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T H E  
C A S E  
O F T H E  
Lord Marshal of England;

With PROOFS of his  
RIGHT to go by the *Sword of State*,  
• in all SOLEMNITIES:

Which his Lordship conceives himself obliged to Assert, because his PRECEDENCY is part of his OFFICE, or at least one of the principal Pre-eminencies thereof, granted in the Original Patent, by these Words, *Una cum omnibus Dignitatibus Precedentiis*, &c.

Hoping the same will be Declared and Settled in such Manner, as no Disputes may arise, for the future, in Assemblies where the SWORD is Carried.

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✂ The Quotations, by Letters of the Alphabet, refer to Manuscript Books, so marked, in the Heralds-Office.





*Lord Great-Chamberlain* } *Of England,* } *Lord Chamberlain* }  
 AND } Against } AND } *Of the Household.*  
*Lord MARSHAL* } *Vice-Chamberlain* }

THE *Lord Marshal* claims in all *Solemn Ceremonies* and *Processions*, where the *Sword of State* is born, to go on the Left-hand thereof, (or next before it) as the *Lord Great-Chamberlain* on the Right; admitting That the *Lord Chamberlain of the Household*, ought to be placed either at the Head of his Class, or Degree, or near the Royal Person, to receive and distribute Commands, carry the *Candle, &c.* within the Household; or to bear up the Train: And that the *Vice-Chamberlain* should either go next before the *Secretary of State*, when neither are Peers, or in the Absence of the *Lord Chamberlain of the Household*, supply his Lordship's Office, as aforesaid.

The *Lord Chamberlain of the Household* (as 'tis presumed) will allow this Right of the *Lord Marshal* every where, unless in Proceedings to the *Chapel-Royal*, and *Ceremonies* within the Palaces, where his Lordship insists (under an *Order of King James II.*) to go on the *Right* of the *Sword*, and the *Vice-Chamberlain* on the *Left*; farther alledging, Her Majesty used *St. Paul's Cathedral*, at the late *Thanksgiving*, as Her *Chapel-Royal*, which he avers brings it within that *Order*.

To set this CASE, therefore, in its true Light, 'twill be necessary,

I. First, To shew the Reasonableness of the *Lord Marshal's* Right, and the Congruity of the Place claimed with the Nature of his Office, together with Precedents whereon this Claim is sufficiently grounded; which is acknowledged and ascertained by a Constitution of the *Most Noble Order of the Garter*.

II. Secondly, To insert a true Narrative of the Time and Manner when this Right was first controverted, together with an Account of the Proceedings thereon.

III. Thirdly, To give Instances where the *Lord Chamberlain of the Household*, and *Vice-Chamberlain*, have been placed, and performed the Functions proper to their Office, as is before alledged.

IV. Fourthly, To prove the Claim of the *Lord Chamberlain of the Household* and the *Vice-Chamberlain* (his Lordship's Deputy) to have Precedency on each side of the *Sword of State*, at the same time, is unprecedented, and contrary to the Rules laid down by Authors who have wrote on that Subject. And,

V. Lastly, To answer all Objections, hitherto made, against the *Lord Marshal's* Claim, wherein his Lordship's Jurisdiction and Authority, both above and below-stairs, within the Household, (which has been been denied by the *Lord Chamberlain*,) is particularly vindicated and asserted.

Let it be admitted that the *Stat. 31 H. 8.* for Placing the Lords in Parliament, &c. comes not directly in question in this Case: And, for the clearer apprehending of what follows, 'tis to be noted, That in all Ceremonies of State where the *Sword* is carried, the Inferior Degrees begin the *Procession*; as also, That the Nobility and Great Estates do not, on those Occasions, go singly, but at least Two in Breast, and generally Three, where the *Royal State* is. So that altho' in some Entries, in the Books, a Line contains only One Nobleman, or Great Estate, yet it ought to be understood that their manner of *Procession* was at least Two, one on the side of the other.

And it should also be remembered, in relation to the Proceedings on the day of the commencement of the Parliament (whereof many are hereafter quoted) that the same are not any part of the Parliament, for then the Lords must have been ranked in the manner as the *Act 31 H. 8.* directs: But these Proceedings were Solemn Cavalcades from *Whitehall* (part of the Palace of *Westminster*) to the Abbey, where anciently the Abbot, afterward the Bishop (*Thurlby*,) and since the Dean, with all that Church, in *Pontificalibus*, received the King under a Canopy; delivered him the Scepter of *St. Edward*; celebrated the Mass of the *H. Ghost*: And His Majesty, having made an Offering, re-delivered the Sceptre, and from thence went to the Parliament-House. So that these Ceremonies were all transacted out of Parliament, and within the Limits of the Palace; as the Coronations

nations have been likewise. And as for Processions to St. Paul's Cathedral, (the place where the Lord Great Chamberlain and Lord Marshal of England were not permitted lately to go by the Sword) it is certainly incumbent on the Lord Chamberlain of the Household to shew, how that Cathedral, at the last Thanksgiving, became more Her Majesty's Chapel-Royal than it was in A. D. 1588. when Queen Elizabeth was attended there by these Two Hereditary Great Officers in their proper places, on each side the Sword. And if it is affirmed Her Majesty's Presence makes every place Her Palace or Chapel, then all the Precedents hereafter mentioned, must, by the same Rule, be full Proofs of the Possession of this Right by these Officers, within the Palaces and Chapels, since 'twill be evident Her Majesty's Predecessors, the Kings and Queens of this Realm, were there in Person.

1. As to the First Proposition, That this Claim of the Lord Marshal, to go on side of the Sword, is reasonable, and congruous to the Nature of his Office; And that there are many Precedents by which this Right is justified.

The Sword of State is the Great Emblem of Regal and Military Power, as appears from the Benediction thereof at the Coronation, before it is girded to the Prince, and the Words at its delivery: wherein the Ceremonials of most Kingdoms in Europe agree, as may be seen in *Modi Pandet Triumph. Monsieur Godefroy Coron. du Roys de France, &c.* (a) and the Coronation-Roll of Ed. II. in the Tower; which Form is continued to our Times. For this Reason therefore the Constable and Marshal of England did either bear, or support it, as most suitable to the Nature of their Offices, consisting partly in Matters Military, as well without as within this Kingdom, and partly in Matters Civil and Domestique within the Household, as will appear in the Sequel of this Case.

In Conformity to this Right and Practice, these Officers every where beyond Sea, even to these days, enjoy the same Privilege, as their Ceremonials attest. (b)

At the Coronation of Louys XI. *Mareschal de Gié porta toujours l'Espée pour & en lieu de Monsieur le Conestable.*

At the Coronation of Hen. IV. *Monsieur le Mareschal de Maignon au lieu de Monsieur le Conestable, porta l'Espée.*

At the Coronation of Louys XIII. *Monsieur le Mareschal de la Chastre representant Monsieur le Conestable, porta l'Espée, &c.*

Thus in the Ancient Empire, *Comes Rei Militaris*, was next to those *qui Proconsulatus Insignibus adornabantur.*

It must be granted the Marshal of England has, by virtue of his Office, Jurisdiction and Authority in the Army, and over Military Affairs: If any person doubts it, let him consult *Claus. 15 Joh. pt. 2. m. 8. dorf. Claus. 9 H. 3. m. 13. de Mareschalciâ Exercitus Vascon.* and those Authors who have treated of this Officer.

Hence it was, according to *M. Paris, Quacum Magnates cognovissent, constituerunt Robertum filium Walteri Principem Militia sua, appellantes eum Marescallum exercitus Dei & Ecclesia sancta;* by which Title he styles himself.

Probably it may not be esteemed foreign to the present occasion briefly to remark, That the Marshal had, by Virtue of his Office, the most Honourable Precedence and Posts in the Host or Army, that is, in the *Antegarda* and *Retrogarda*; which will appear to be the Chiefest Places, not only from Don Pedro's Grant to the Black Prince, but from the Claim of the Steward of France, Printed in *Baluzius*, whose Power in that Kingdom devolved, as their Authors inform us, to the Constable; but also from that of the Earl of Flanders, as also the Tenures by *Cornage* in the North of England. This Honour belongs so much to the Marshal, that when *Hugh Lupus* Constituted one within the Palatinate of Chester, he gave him this Privilege, '*Ut dictus Nigellus & Heredes sui in eundo precederent, & in redeundo cum Exercitu ultimi remanerent.*' And for the denying of this Right, *Du Bellai ad A. D. 1521.* assures us, the Duke of Bourbon, Constable of France, deserted that King's Service.

To obviate any Objection which may be made, That the L. Great Chamberlain of Engl. can't claim this Right, as being no Military Officer; It will be observ'd Such Exception and Pretence cannot be any Service to the Lord Chamberlain of the Household in supporting his Claim: And also, that the Allowance of Place by the Sword, to the Lord Great Chamberlain, ever since the Constableship of England has been Suppressed (13 Hen. 8.) was agreeable to the Rules of the Civil Law,

(a) *Les Loix Civiles pt. 2. Le Droit Publique, l. 1. tit. 9. §. 2.* A Dissertation demonstrating the Precedence of the Sword before the Gown: and Article 3. saith, The first of all Laymen are les Officiers de la Couronne qui portent l'Espée. Et l. 1. tit. 11. §. 1. Article 3.

(b) *Godefroy Remarques sur l'Histoire du Roy Charles vij. p. 792.*

*L'Histoire de l'Empire par le Sr Heiss a la Haye 1694. Vol. 2. p. 20. 43.*

*Menestrier La Pratique des Armoiries. p. 217.*

*Ceremonial François per Mr. Godefroy. p. 4. 143. 285. 291. 293. 313.*

*Leibnitz Cod. Juris Gentium Diplomaticum. p. 149. Menestrier Art du Blason. p. 272.*

*S. Marthe Hist. de la Maison de France. Vol. 2. p. 734.*

*Bertrand d'Argentre L'Hist. de Bretagne. l. 13. c. 71.*

*Sir R. Cotton's MS. Discourse of the Constable. &c. Du Tillet Recueil des Rangs des Grands de France. p. 9.*

*L'Oiseau Des Offices. p. 552. Vide etiam p. 559. W. T. f. 229. b. at the Coronation of Christiern IV. King of Denmark.*

*Spener Hist. Insignium p. 24. in Prolegom.*

(whereby

W. T. f. 155. a.  
Sanct. Coronat.  
Ja. II. p. 93.

Cerem. Franc.  
p. 206, 207.

Ibid. p. 357-364.  
375-380.

Ibid. p. 408, 411.

L. 1. C. de Con.  
Rei Milit.

M. Paris p. 254.  
Ibid. p. 255.  
Claus. 17. Joh.  
m. 21. dorf.

Seld. Tit. of Hon.  
p. 216. &c.  
Milit. l. 4. p. 479.  
Vred. Geneal. C.  
Flandr. p. 317.  
Testa de Nevil.  
Mon. Angl. Vol. 2.  
p. 187. a.



(whereby the Disputes about Precedency are to be Determined in the Court of Honour, as Dr. Duck De Authoritate proves, by many Authorities) which Law; under the Title *De Praposis Sacri Cubiculi*, has these Words: *Sacri Cubiculi praposis ea dignitate fungantur, qua sunt praditi, qui eminentissimam Pratorianam vel Urbanam meruerint Dignitatem, aut certe militarem Magistrariam, potestatem.*

And here it should not be omitted, That if there could not be produced any Congruity in this Place with the Nature of the Lord Marshal's Office; yet it must have been allowed, That if the Usage has been constantly for him to go by the Sword, That of it self alone, according to the strictest Rules of the Authors who have wrote on Precedency, would have given him a Legal Right thereto: For — *Legem quoque respici cujusque loci oportet. — Nonnunquam etiam longa Consuetudo in ea re observata respicienda erit.* And to this purpose Gorbhof. [*Ceremon. François, p. 341.*] *Morem Regionis in Ordine Dignitatum ante omnia observando; Et ille Oratio sequendus est, quem Consuetudo requirit; si non est Consuetudo inspicitur Dignitas.*

But to proceed to what is most material in the present Enquiry; Tho' it will be agreed, That the Marshal of England had not, more than other Officers of State, any Precedency in Parliament, in respect of his Office, till the Statute 31 Hen. 8. Yet it must be allowed, that he had an indisputable possession of a Place near the Sword, long e're that time. Not to take up too much room, only a few Instances thereof will now be produced. Thus, as early as the Coronation of Richard I. (a sufficient time for Prescription) Hoveden acquaints us, "*Deinde venerunt Willielmus Marefcallus Comes de Striguil portans Sceptum Regale aureum — & Willielmus Patricii Comes de Salisburie juxta eum gestans Virgam auream habentem in Summitate Columbam auream.* Deinde *venerunt David frater Regis Scotia Comes de Huntedun, & Johannes Comes Moretonii frater Ducis, & Robertus Comes Leicestria portantes tres Gladios, &c.* It is plain from the same Historian, that this William the Marshal was the junior Earl, being created so by that King just before his Coronation. But lest it should be suspected, this Precedency might be given him on account of Carrying the Scepter, and not in respect of his Office, let us look into the History of Queen Alianor's Coronation, A. D. 1236. recited in *M. Paris*, a cotemporary Author: "*Comite Cestria gladium Sancti Edvardi, qui Curtein dicitur, ante Regem bajulante — magno Marefcallo Anglia, scilicet Comite de Pembroc virgam ante Regem bajulante: & tam in Ecclesia quam in Aula, iter Regi prapante, & in Mensa Regale convivium cum Convivis disponente. Custodibus vero quinq; Portuum palam super Regem cum quatuor hastis Supportantibus, &c.* And the Historian particularly tells us, That this Ceremony was *ex antiqua Consuetudine & Jure antiquo*; as also, that "*Cancellarius, Camerarius, Marefcallus, Constabularius, sibi ibidem sedem sumpserunt sui ratione Officii.* Thus also at the Coronation of Hen. 6. we find this Method of Procellion; "*Then me Lord of Glosseter as J. 18. f. 7. a. Steward of England; and next after rode the Duke of Norfolk as Marshal of England.*

"Then before the King rode iiij Lords which bare iiij Swords, &c. But not to enlarge before the Reign of Hen. 8. (when the Act for Precedency was made) it may not be amiss to observe the Practice and Method which obtained in his time before the Statute.

At that King's Procession through London, the Day preceding his Coronation, the Entry stands thus Registered: viz.

"And before the King directlie, his Sword — and uppon the Right-hand of the said Sword the Earl of Oxenford as Great Chamberlayne of England, and uppon the Left-hand of the same th' Earle of Surrey, Earl Marshall of England for the tyme being.

The Office of Marshal was in this Prince himself in the 10th of his Father's Reign, and afterwards Granted by him to this same Earl for Life only, 10 July Pat. 2. H. 8. p. 2.

¶ Procession to Parliament 21 H. 8. Printed by Dugdale in his *Summons*, p. 496.

"The Marquis Dorset bare the Cap of Estate.

"The Marquis of Exeter bore the King's Sword.

"The Duke of Suffolk being Earl Marshal, bore the Staff of his Office.

"And before him Garter Principal King of Arms, &c.

¶ The next Instance, likewise precedent to the Statute, is in the Procession from the Tower to Westminster, before the Coronation of Queen Anne (*Bullen*) 25 Hen. 8. in this manner:

"Mayor of London with his Mace, and Garter in his Coate of Armes, &c. After them rode the Lord William Haward with the Marshall's Rod, Deputy to his Brother the Duke of Norfolk, who was Ambassador then in France. And on his Right-hand rode Charles Duke of Suffolke, for that Day High Constable of England, bearing the Varder of Silver, appertaining to the Office of Constableship.

"Next after the Queen rode the Lord Borrough, her Chamberleyn.

¶ And in the Coronation it self,

"Mayor of London, &c. and Garter in his Coat of Arms.

"Then went the Marquess Dorset — with the Scepter of Gold, and the Earl of Arundel with the Rod of Ivory, with the Dove, both together.

"Then went alone the Earl of Oxford, High Chamberlain of England, with the Crown.

"After him went the D. of Suffolke, — also for that Day being High Steward of England, having a long White Rod in his Hand. And the Lord William Heyward with the Rod of the Marshallship, &c.

"Then proceeded the Queen, &c.

B

Either

See Sir Rob. Cotton's MS. Description of the Office of Marshal.

Either the *Sword* was not carried in this Procession at all, or we may reasonably conjecture, the High Constable of *England* might bear it, according to the Right and Duty of his Place, if Sir *Robert Cotton's* Assertion to that purpose may be credited, when back'd with the Opinions of the Authors referred to already, who have treated of that Officer in foreign Kingdoms: Tho' it should not be omitted, that the *Marshal's* Deputy is placed as the *Comes individuum* to the Constable, and that they immediately follow *Garter* King of Arms.

But it is probable, no *Sword* was born at this Solemnity, being the Coronation of a Queen-Consort; in which Case, as appears from the *French Ceremonials*, none is deliver'd, possibly because the Military Power remain'd entirely in the King.

MS. penes Joh. Hare, Richmond, f. 143. b. Hall's Chron. Vol. 2. f. ccxxi. a.

¶ Another Precedent, also before the Statute, is in the Ceremonial of "The King and the Qwynes ryding from *Torkeplace* thowrrow *London* to *Greenwiche*, Fryday before *Cryfmas*, in the xxviiij Yere of hys Reyne.

" The Lord Mayer and Garter.

" The Lorde-Marshall.

" The Sword.

" The Kyng.

" The Qwyne.

H. 13. f. 404. a. b.

¶ And we shall find in The Proceeding from the King's Palace at *Westminster* to the Monastery, to the Mass of the Holy Ghost, the 28. Apr. (31 Hen. 8.) being to the Parliament wherein this Statute was made. Printed by *Dugdale*, in *Summons to Parliament*, p. 502, 503.

" The Lord Chancellour of *England*.

" The Lord Marshal of *England*, then Duke of *Norfolk*, with his Rod. And

" Garter before him in the King's Coat.

" Then the King's Sword borne by the Earl of *Shrewsbury*.

" The Cap of Maintenance born by the Duke of *Suffolk*.

" Then the King's Highness, &c.

H. 13. f. 406. b.

But let us now Descend to the Forms since the Statute, where the first Instance shall be taken from The Procession to the Parliament, the xvth day of *January* in the xxxiiijth Yere of the Reigne of our Sovereign Lorde King *Henry* the viijth; thus entred.

¶ " The Order in Proceeding from the King's Palace at *Westmynster* to the Monastery, to Mas of the Holy Goste, &c.

" Garter in the King's Cote.

" The Lorde-Marshall with his Rodde.

" The Kings Swourde borne by the Erle of *Shrewsbury*.

" The King's Cappe of Maintenance by Marquis *Dorsett*.

" The King's Magestie.

H. 13. f. 410. b.

¶ Thus also in The Order in Proceedenge from the King's Majesty's Palleys at *Westmester* to the Cathederall Church to the Masse of the Holly Gooste (xxiii Nov. xxxvii H. 8.)

" The Lorde Archebushoppe of *Caunterbury*, and the Lord Chauncellor of *Englande*.

" Garter before the Duke of *Norfolke* in the King's Cote.

" The Lord Great Chamberlein of *England*, and the Duke of *Norfolke* Lord Marshall of *England*.

" The Swourde borne by the Erle of *Shrewsbury*.

" The Cappe of Maintenance borne by the Lord Marques *Dorsett*.

" The KING's Magestie.

Ibid. f. 411. a.

And Note, The Cathedral is afterwards mentioned to be the Church of *Westminster*, whereof there was then a Bishop.

Catalogue of Honor, p. 55. b. W. Y. f. 100. a.

¶ Proceeding through *London* the day before the Coronation of *Edward* VI. Printed by *Mills* from the *Latin MSS.* of his Uncle *Robert Glover*, *Somerset*, who was the greatest Man of his Profession.

" Garter King of Arms, &c. and the Maior of the City of *London*, &c.

" The Constable of *England*, who for that time was the Marquess *Dorsett*, carrying

" the Sword, on whose Right-hand went the Earle of *Warwick* as Chamberlain of *Eng-*

" land, and on his Left-hand the Earle of *Arundell* supplying the place of Earle

" Marshal.

Ibid. p. 56.

¶ At the Coronation of the same King,

" A Sword was also carried before in the Scaberd undrawn, unto which uppon the

" Left-hand was joined the Earle of *Arundell* as Earle Marshall, insted of the

" Protector.

W. Y. f. 95. a. b. & f. 98. a. W. A. f. 100. b. 103. b. Ibid. f. 104. b.

Now the (Duke of *Somerset*) Protector was created *Earl-Marshall*, and *Marshal of England*, 17 Feb. Pat. 1: E. 6. p. 6. three days before this Procession through *London*; and 'tis most remarkable, that the same Noble Earl of *Arundel* was at this very instant *Lord Chamberlain of the Household*,



hold. And 'tis not a little improbable the first Earl of *England* should submit to take a Place by Deputation from another, which he might have done in his own Right, if the Claim of the present *Lord Chamberlain* be just, that his Lordship ought to go on the side of the *Sword*. 'Twill also be remembred, that from hence it is plain the Earl of *Warwick* was then *Lord Great Chamberlain of England*, as well as from his Patent bearing date 17 of *Febr.* four days before the Coronation.

W. Y. f. 800. a.  
Camd. Britan.  
p. 170, 171.  
Vincent on  
Brook, p. 34.  
Pat. 1. Edw. 6.  
p. 6. m. 9.

¶ This King began his Reign 28 *January*, was crowned 20 *February*, and summoned a Parliament to meet the Fourth of *November* ensuing, to which the Procession was in the following Method:

— "Officers placed according to the Act, &c.

— "Garter.

"Then my *Lord Greate Chamberlain*. My Lord Marques of *Northampton* beringe the  
" *Sword*.

"My Lord Protector alone, directly before the King's Royal Majestie; After the  
" King's Majestie, the Master of the Horse, &c.

"The King's Royal Majestie proceeding to the Offeringe, &c. My Lord of *Warwyke*,  
" *Great Chamberlain*, taking the Saye of the Cushen; My Lord of *Arundell*, Chamber-  
" laine, beringe the King's Trainee.

ibid. f. 414. a.

'Tis true, here is no mention of the *Lord Marshal*, the Office being at that time in the Protector, to whom the King had, the day before, granted a Patent of Precedency, which was read in that Parliament.

¶ Thus at the Procession to *Westminster* the day before *Queen Mary's* Coronation, the Entry is,

I. 18. f. 119. a.  
W. A. f. 126. b.

"The Mayor of *London* on the Left-hand of Garter, &c.

"The *Sword* borne by th'Erle of *Arundell* Lord Steward of the Quene's House.

"On the Right-hand the *Sword* th'Erle of *Oxford*, *Lorde Great Chamberlen*.

"On the Left-hand the *Sword*, the Dewk of *Norff*. Erle Marshall of *England*.

"Then the QUEEN's Majestie.

¶ At the Coronation thus:

— "Garter in the Quene's Cote, and the Mayor of *London* on his Left-  
" hand, &c.

I. 18. f. 121. b.  
W. A. f. 128. a. b.

"Th'Erle of *Oxford*, *Lorde Great-Chamberlen*, alone.

"The *Sword* in the Scabard borne by th'Erle of *Devonshyre*.

"Then the Crown borne by the Duke of *Norff*. Erle Marshall.

¶ In the Order of the going of all Estates from the Palace of *Westminster* unto the Great Church of the same, at the beginning of the Parliament, in *Anno 1554. Anno prima Marie*.

Ceremon. Vol. I.  
W. A. f. 139. a.

" — Then Garter in the Quene's Cote of her Armes.

"Then the *Sword* born by . . . . .

"Then the Capp of Mayntenance on the Right-hand.

"Then the *Earle Marshall* with his Rodd on the Left-hand.

"Then the QUEEN's Majestie.

And 'twill be noted under another Head, That in this Solemnity, after the Bishops, were placed in these words, "The Lords Chamberlanes to the King and Quene, if they be Barons.

¶ Procession from the Tower to *Westminster* (before the Coronation) *primo Elizabetha*.

M. 6. f. 42. a.  
41. b.

"The Maier of *London*, { Garter, chef Kinge } The Gent. Usher of the  
" barehed. { of Armes, barehed. } Privy-Chamber barehed.

"The Duke of *Norff*. { The *Sword*, born by } Th'Erle of *Oxford*, Lorde  
" *Earle Mareshall* of { th'Erle of . . . . . } *Greate Chamberlain* of  
" *England*, barehed, { barehed. } *England*, barehed.

"The QUEEN's Majestie, &c.

This is taken from a Book where the Pictures of those who proceeded are drawn with a Pen, and therein, after the Treasurer and Comptroller of the Household, follow, "The Lord Clinton, Lord  
" Admiral, and the Lord William Howard, Lord Chamberlain.

ibid. f. 43. b.

The

¶ The Proceſſion to Parliament, 1 *Eliz.* is thus Entred.

H. 13. f. 424. a. " The Ordre of Proceedinge from the Quenes Majesties Palleys of *Westminster* to the Monestery, to the Masse of the *Holy Gofte* the xxij. day of *Januarius*, in the Firſte Yere of her Raigue.

" Then all Barons in ther Robes.

" Then all Buſſhopes.

" Then the Lord Admerall and the Lord Chamberlayne.

" Then Vicountes, &c.

" Then Garter Pryncipall King of Armes.

" Then the Lord Great Chamberlayne and th' Erle Merſhall with his Rodd.

" The Cape of Mayntenance borne by the Erle of *Arroundell*.

" The Sword borne by the Erle of *Worſeter*.

" Then the Quene's Highneſs, &c.

Ibid. f. 424. b.

" And in this Ordre they proceded to *Westm.* and there Her Trayne was borne by a Great Lady, aſſyſted by the Lord Chamberlayne, &c.

Dewes Journal,  
p. 58. b.  
W. Y. f. 185,  
186, 187, 188,  
189, 190.

¶ Proceſſion to Parliament, 5 *Eliz.* Printed by Sir Symonds D'ews.

" ——— Garter.

" Then the Duke of *Norfolk*, with the Gilt Rod, as Marſhal ; The Lord Treasurer with the Cap of Eſtate ; And the Earl of *Worceſter* with the Sword.

" Then the Queen's Maſtey on Horſeback. A little behind, the Lord Chamberlain and Vice-Chamberlain.

Here is no mention made of the *Lord Great Chamberlain of England*, becauſe *John* Earl of *Camd. Eliz. p. 77.* *Oxford* died in this Year ; which muſt be before the Parliament, becauſe no Writ iſſued to him, and his Son muſt then be Under Age ; ſince in the 8th Year of this Queen, in the Summons of the Peers, 'tis particularly expreſſed, That the Earl of *Oxford*, *Great Chamberlain*, was Under Age, (as *Dugdale* ſays, from the *Lords Journal*.)

Dewes Journal,  
p. 97. a.

¶ Proceſſion to Parliament, 8 and 9 *Eliz.* Printed alſo by D'ews.

" The Queen's Maſtey being apparell'd in her Parliament-Robes, &c. came forth:—

" The Marqueſs of *Northampton* carrying the Cap of Maintenance ; and after

" ſtood on her Right-Hand the Duke of *Norfolk*, carrying his *Marſhal's Rod* ;

" And on her Left-Hand the Earl of *Northumberland* with the Sword. ———

" Her Maſteies Mantle was born up, on either Side, from her Shoulders by the

" *Lord Chamberlain*. ——— Her Train was born by the Lady *Strange*, aſſiſted

" by Sir *Francis Knolles* Vice Chamberlain.

Ibid. p. 96. b.

This *Lord Chamberlain* was the Lord *Howard* of *Effingham*, Chamberlain of the Houſhold : The Earl of *Oxford*, *Lord Great Chamberlain*, being (as is ſaid before) at that time Under Age.

Ibid. p. 136.

¶ Proceſſion to Parliament. 13 *Eliz.* Printed by D'ews.

" The next placed to the Queen, are the *Lord Great Chamberlain* (the Earl of *Oxford* ;) And *Earl Marſhal's Deputy* (the Earl of *Worceſter*.)

W. Y. f. 199. a. b.  
200. a.

¶ Proceſſion to Parliament, 8 May 1572. (14 *Eliz.*)

" Biſhopps two and two.

" Principal Secretary.

" Lord Chamberlain.

" Lord Admiral.

" Viſcounts, &c.

" Earls, &c.

" Arch-Biſhops.

" The *Earl Marſhal* with his Golden-Rod.

" The Capp of Eſtate for *Normandy* and *Guien*.

" The Sword.

" The QUEEN's Maſtey.

" The Vice-Chamberlain.

Here is no Notice taken of the *Lord Great Chamberlain of England*, and the *Journal* has not been inſpected, to ſee whether his Abſence be marked therein : But it is certain, the *Lord Chamberlain* thus ranked in this Proceſſion, cannot be meant of the Earl of *Oxford* (*Lord Great Chamberlain*) whoſe Place was above *Viſcounts* ; as alſo for that the *Admiral* has Precedency of this  
Lord



*Lord Chamberlain*, which he never had of the *Lord Great Chamberlain*, when they were of the same Degree.

¶ The Procession to Parliament, 27 *Eliz.* Printed by *Mills*, which being (as has been intimated before) wrote by *Glover*, *Somerset Herald*, an Officer at that very Instant, must be Authentick, in regard of the known Learning and Integrity of that great Antiquary.

Catalogue of Honor, p. 66. a.

- “ Garter, Chief King at Armes, &c.  
 “ The Marquesse of *Winchester* did beare the Cap-Royall, upon whose Left-Hande  
 “ the Earle of *Worcester* carried the Rod of the Marshallship of *England*, instead  
 “ of *George* Earle of *Shrewsbury*, then Earle Marshall, who was then in the Par-  
 “ liament-Chamber, although he was not heere present, for that he was sicke of  
 “ the Gout.  
 “ The Earle of *Kent*, after them, carried the Sworde, on whose Right Hand went  
 “ the Earle of *Oxford* then Great Chamberlaine of *England*, and on his Left-Hand  
 “ the Earle of *Leicester*, &c.  
 “ The QUEENES Majesty, &c.  
 “ Master of the Horse, &c. By whom on the Left-Hand rode *Charles*  
 “ Lord *Howard*, Baron of *Effingham*, Chamberlain of the Queenes House, &c.  
 “ After these followed also *Christopher Hatton*, Knight, Vice-Chamberlain —

This Precedent sufficiently shews the Place of the *Chamberlain of the Household*, and his *Vice-Chamberlain*: But doth not asserthe Right of the *Marshals Deputy* to go by the *Sword*; which might be owing to the Opinion of those Times, That in regard of the Presence of the *Lord Marshall* himself in the *Parliament-Chamber*, his *Deputy* should not therefore have the same Precedency, as he ought to have Enjoyed in his Absence. And thus the *Earl of Bindon* shall not Esteem himself Entitled to the same Precedency, in Presence of the *Hereditary-Marshal of England*, whenever his *Grace* shall Capacitate himself and Act: Or else this Irregularity happen'd out of a Compliment to the *Earl of Leicester*, made *High-Steward* for that Purpose: Which Officer possibly, tho' omitted in the *Statute 31 Hen. VIII.* may be Superior in Honour and Pre-eminency to that of the *Marshal of England*, but cannot be drawn into any Consequence, till such an Officer is present.

¶ We come now to a Solemnity of another Nature, being *Queen Elizabeth's Procession to S. Paul's Cathedral*, 1588. (30 *Eliz.*) Printed by *Sir Will. Segar*, Norroy, afterwards Garter King of Arms, and Dedicated to Her Majesty, which was Celebrated 24 Nov. when no Parliament was Sitting, that which begun on the 12th of the same Month, being then Prorog'd to the 4th of *February* following.

Honor Military and Civil, p. 245, 246, 247.

Dugd. Summons, p. 531, 532.

- “ Principal Secretarie.  
 “ Vice-Chamberlaine.  
 “ Comptroller and Treasurer of the Household.  
 “ Barons of the Parliament.  
 “ Bishops.  
 “ Lord Chamberlain of the House, } being Barons.  
 “ The Lord Admiral of *England*, }  
 — “ Garter King of Armes.  
 “ Lord Great-Cham- | Sword born by the | Earle Marshal of  
 berlain of *England*. | Lord Marquesse. | *England*.  
 “ The QUEENE'S Majesty. —

¶ Procession to Parliament, 1593. 35 *Eliz.* [Which is the same Printed by *Segar*, in his *Honor Military and Civil*, p. 241, 242, 243.]

W. Y. F. 207, 208, a.

- “ The Principall Secretary, being no Baron.  
 “ The Vice-Chamberlane.  
 “ The Treasurer and Comptroller of the Household.  
 “ Barons — two and two.  
 “ Bishops — two and two.  
 “ The Lord Admirall and the Lord Chamberlaine of the Household together, if  
 “ they be Barons, and in *pari dignitate*.  
 “ Viscounts, &c.  
 “ Garter Chief King of Armes barehead.  
 “ The Cap of Estate born by the Marques of *Winchester*, and with him on the Left-  
 “ Hand the Earle Marshall of *England* with his Gilt Rod.  
 “ The Sword born by an Earle.  
 “ The QUEENE'S Majesty, &c.  
 “ The Lord Chamberlaine and Vice-Chamberlaine on each side of the Queene, (if  
 “ they attend out of their Rank :) but somewhat behind Her Majesty.

'Tis true in this Precedent, the *Lord Great-Chamberlain* is not placed on the side of the *Sword*; tho' 'tis as plain, by inspecting the Book, that his Lordship was ranked not only above *Dukes*, but also before the *Lord President of the Council* and the *Lord Privy Seal*. Here is a memorable Determination of the respective Places of the *Lord Chamberlain of the Household*, and the *Vice-Chamberlain*, when they go in their Class, or attend the Royal Person according to the Functions of their Office.

MS. of Sir Edw.  
Walker, Garter,  
in his own Hand-  
Writing.  
MS. penes Hen.  
St. George, Gar-  
ter.

Having here quoted Sir *William Segar*; it may not be amiss in this Place to Note, That he being afterwards Garter King of Arms, did, by His Majesty's Command, draw up a Declaration of the Rights of the Office of the *Lord Marshal of England*, in order to be communicated to the *Earl Marshal of Scotland*, wherein are these Words about the *Golden-Staff*:

" He beareth it usually at his Pleasure, but especially on *Festival-Days* in the Court, and  
" in *Solemn and Royal Proceedings* before the *King*, and taketh his Place with the  
" *Lord Great-Chamberlain*, or the *Constable*, next before the *Sword*.

W. Y. f. 209.  
a. b.

¶ The Proceeding to the Parliament, 24 Oct. 1597. (39 Eliz.)

" Garter Principal K. of Armes.

" The Earl Marshall  
" of England.

" The *L. Great-Chamberlain*  
" of England.

" The Cap of Honour.

" The Sword of Estate.

" The QUEENE's Most Excellent Majestic.

W. A. f. 141. a. b.  
142. a.  
W. Y. f. 213. a. b.  
214. a. b.  
L. 18. f. 23. a. b.  
Vespasian B. 9.  
f. 94. & 119. in  
Mr. Camden's  
Hand-Writing.  
L. 18. f. 22. a.  
W. & c. f. 249.

¶ The King's Majesty's most Royal Proceeding through *London*, (15th March, 1603.) as it was Marshall'd [with the greatest Deliberation] by the Lords deputed for the Exercise of the *Earl Marshall's* Office; as the Original Roll, Sign'd by their Lordships, Attests, and was Confirmed by His Majesty; for the due Observation whereof, a *Proclamation* issued, the Copy of which is still Extant.

" Earls.

" The Lord Admiral and the Lord Chamberlain, being not otherwise Employed, &c.

— " Garter —

" The Prince.

" The Constable.

" The Sword born by the  
" Earl-Marshall.

" The Lord Great-  
" Chamberlain.

" The KING's Majesty. —

" The Master of the Horse, leading a Spare-Horse.

" The Vice-Chamberlain to the King.

Ceremon. Vol. I.  
W. A. f. 222. b.

¶ Now follows a Ceremony of another Nature, being the Creation of Prince *Henry* in Parliament, 1610. The Proceeding being,

— " Garter.

" The Cap.

The Rod of the Marshal.

The Sword. —

The KING's Majesty.

W. Y. f. 202. a.

¶ The Proceeding to the Parliament, the 5th of April, 1614. (12 Jac. II.) from the Palace of *White-Hall* to *Westminster*.

" Earl of *Oxford* and Earl of *Arundell* absent, &c.

" Garter betweene Twoe Gent. Ushers.

" Earl of *Richmond*, Marshall, bearing the Rod,

" The Prince,

" The Earl of *Shrewsbury* with the Cap of Maintenance,

} in breast.

" The Lord Admiral, High Steward,

" The Sword born by the Earl of *Derby*,

" The Earl of *Suffolk*, Lord Great-Chamberlain,

} in breast.

" The KING's Majestic.

" The Vice-Chamberlain to bear the Trayn.

W. A. f. 143. a.

Here



Here we find the Office of the Lord Marshal to be supplied by the Earl of *Richmond*, who was Duke of *Lenox*: for thus Mr. *Camden* mentions it, *Dux Lenoxia supplevit locum Marescalli*.

Camd. Anthol.  
Jac. p. 9, 10.

And 'tis evident that the Steward, who went abreast with the Sword, was High Steward of England, who might be, as has been already observed, a greater Officer than the Lord Marshal: And here also the Earl of Oxford being marked absent, the Earl of Suffolk supplies his Place, as these Books say expressly; so that if it should be admitted, he was Chamberlain of the Household, yet his Precedency is allowed him as Lord Great Chamberlain.

'Tis true, the Earl Marshal did not go by the side of the Sword, but in breast with the Prince, which must every way be as honourable.

¶ The Royal Proceeding to Parliament on *Tuesday* 30. Jan. 1620. (18 Jac. 1.)

W. Y. f. 224a, b  
225. a.

“These two Lords went  
 in this place together by  
 reason of their Offices :

“Earl of <i>Pembroke</i> “Lord Chamberlain “of the House,	}	The Earl of <i>Richmond</i> Lord Steward of the House.
---	---	--

"Garter Principal K. of Armes.

"The Prince His Highness alone, his Head covered.

"Sir Robert Carey His Highness's Chamberlain to carry his Trayne to go on foot.

"The E. of Arundell  
"Earle Marshall on  
"his Left-hand.      The Sword by the E. of *Cumberland*,  
being one of the greatest Estates  
present without Office.      The E. of *Oxford* Great  
Chamberlain on his  
Right-hand.

"The Capp of Estate borne by the E. of Rutland as the greatest Earl present without Office.

"The KING's Majesty.

Being come into the Church---the Lord Digby Vice-Chamberlain bare His Majesty's Train : At the Parliament-Houfe the Vice-Chamberlain, who bare the Train, went not within the Bar, but attended on His Majesty, who retired himself for a while, in a little Room by, untill the Lords were fet in their Places in due order.

¶ Proceeding to Parliament 19th of *February* 1623.

MS. endorsed  
with Sir Edw.  
Walker's own  
Hand.

“ Earl of *Arundell* Earl Marshall | The Sword born by | Earl of *Oxford* Lord  
“ on the Left-hand. | the Earl of *Rusland*. | Great Chamberlain.

Proceeding to the Coronation of King Charles (the First) on Thursday 2d Feb. 1625.

MS. penes Hen.  
St. George, Gar-  
ter, of the  
Hand-writing of  
his Father, then  
Richmond.

"The Lord Major with his Mace | Garter King of Arms | A Gent. Usher.

"The Lord Great-Chamberlain of *England* the E. of *Worcester*.

“The Lord Constable with his Mace, the Duke of *Buck.* | The Sword in the Scabbard born by the Marquis of *Hamilton.* | The Earl Marshal of *England.*

9 The Proceeding of King *Chas. I.* to the Parliament, *Monday 17 Mar. 1627.*

MS. penes Hen.  
Sr. George, Gar-  
ter.

**" At the Head of the Earls,**

"Lord Chamberlain" | "Lord Steward"  
 "(E. of Montgomery)" | "(E. of Pembroke)"

"Marquess of Winchester.

"A Gent. Usher. | Garter principall King of Arms | A Gent. Usher.

"The E. Marshall | The Sword | The Lord Great-Cham-  
"of England. | born by--- | berlain of England.

**"The Cap of State born by ----**

**"The KING's Majesty.**

¶ Proceeding to Parliament 13th of *April* 1640. (16 *Caroli primi*)

MS. endorsed  
with Sir Edw.  
Walker's own  
Hand.

"Earle Marshall on | The Sword borne by | E. of Lindsey Lord  
"the Left-hand. | the Earle of Rutland. | Great-Chamberlain.

For the Observance of this Ceremony, *Robert Browne*, Blanch-Lion, one of His Majesty's Pursuivants of Arms, published a Proclamation (by the *Earl-Marshal's* Directions) 12 Apr. 1640. first in the *Guard-Chamber* at *Whitehall*, in his Coat of Arms, and afterwards at the *Court-Gate* on Horse-back; as the Original, Sign'd *Arundell* and *Surrey*, now in the Hands of Sir *Henry Sr. George* Kt. Garter, particularly attests.

Proceed-

M. S. endorsed  
with Sir Edw.  
Walker's own  
Hand.

¶ Proceeding to Parliament 3 Novemb. 1640, on Foot, from the *Star-Chamber* to *Westminster*, through the *Hall*.

" Earl Marshall on " the Left-hand.	The Sword borne by the Earl of Bath.	Lord Great-Chamberlain on the Right-hand.
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There was a Proclamation made for Observance hereof, by Direction of the *Earl Marshal*, as the Copy in the Hands of Sir *Henry St. George*, Garter, proves.

M. 3. fol. 11. b.  
12. a.

¶ The manner of His Majesty's Royal Proceeding through the *Cittie of London* Nov. xxv. An. 1641. upon his Return from *Scotland*, &c.

" Earls.

" Earl of *Essex*, Lord Chamberlain, &c.

" Garter.

" Earl of <i>Arundell</i> " Earl Marshal.	Sword borne by the Mar- quess of <i>Hertford</i> .	Earl of <i>Lindsey</i> , Lord Great-Chamberlain.
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Sir Edw. Walker  
in his Life of that  
Earl, p. 220, 221.

A long Interruption of Ceremonies of State happened about this time, occasioned by the late Civil Wars: And *Thomas Earl of Arundell*, Earl Marshal for his Life only, took his Leave of his Native Country about the midst of *February* 1641, and never saw it afterwards, dying at *Padua* 14 Sept. 1646: From whose Death the Office remained vacant till 1672, unless, upon some extraordinary Occasions, an *Earl Marshal* was made *pro hac vice*.

¶ Roll of His Majesty's Royal Proceeding through *London* the 22th of *April* 1661, being the Day before His Majesty's Coronation; Setled by His Majesty in Council, and Signed by the Lord Great Chamberlain, the High Constable and Earl Marshal for the time, and the Lord Chamberlain of His Majesty's Household. The Original is extant, and a Draught thereof is Printed by *Ogilby*.

" Earls.

" Earl of *Manchester*, Lord Chamberlain of the Household.

" Lord Mayor on " the Left-hand.	Garter Principal King of Arms.	Gent. Usher on the Right-hand.
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" The Duke of *York*, alone.

" The Earle of <i>Northumber-</i> " land High Constable, on " the Left-hand.	The Sword borne by the Earle of <i>Suffolk</i> , Earl Marshal.	The Earle of <i>Lindsey</i> Lord Great-Chamberlain, on the Right-hand.
--	--	--

" The KING, &c.

" The Master of the Horse leading a Spare-Horse.

" The Vice-Chamberlain to the King.

¶ Proceeding to the same Coronation 23 Apr. 1661. Sign'd by the Earls of *Lindsey*, *Northumberland*, *Suffolk*, and *Manchester*; the original Roll whereof is also extant.

" Lord Major. | Garter Principal King of Arms. | Gent. Usher.

" Lord Great-Chamberlain alone.

" The Earl of <i>Northum-</i> " berland, Constable, " on the Right-hand.	Sword in the Scabbard, borne by the Earle of <i>Manchester</i> , Lord Chamberlain of the Household.	The Earl of <i>Suffolke</i> , Marshall, on the Left-hand.
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¶ Proceeding to Parliament 8th of May 1661, 12 Caroli 2di.

" E. of <i>Manchester</i> Lord Chamberlain, " in the Place of the E. Marshal, " on the Left-hand.	Sword borne by the Duke of <i>Ormond</i> , Lord Steward.	Lord Great-Chamber- lain on the Right- hand.
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This Entry, which is endorsed by Sir *Edward Walker* Garter's own Hand, should be particularly observed, because it was made at a time when there being no Lord Marshal, the Heralds were thereby, as Servants to the Crown, in some degree under the Direction of the Lord Chamberlain of the Household; and it can scarce be presumed they should make such an ill Compliment, if they had not been certain of the Right of the Lord Marshal.

But before the Narrative of Calling this Right into Question is inserted, one of the Constitutions of the Most Noble Order of the Garter (as being of the greatest Validity) must be referred unto, which relates to the Place of Garter King of Arms, taken from the Black-Book of the Order, pag. 232. cap. 4. as Printed by Mr. *Ashmole* in his Appendix: viz.

— " I,



----- " *Is ubiq; quando Supremus solenniter incedet, ense ejus proximus antecedit, nemine intercedente; nisi forsan Constabularius & Macescallus, qui virgas illas ad Officium suum attinentes ipsi gestabunt*: Which is thus rendred into French, as Sir Edward Walker Garter found the same written in a Manuscript in the time of K. Hen. 8. " *Item le dit Roy d' Armes Jarretiere en tous lieux yra prouchain devant l'Espee du Roy, nulluy entre deux, excepte le Conestable, & le Mareschal quant ils porteront les Bastons appartenantz a leurs Offices*. Whence it is evident, that when Garter gives his Attendance, as on Solemn Days, the Earl Marshal bearing his Rod may interpose, and go on the Right-hand or Left-hand before the Sworn, as Sir Edward observes.

MS. of Sir Edw. Walker Garter's own Hand-writing.

The Feast of St. George is always in these Statutes called *Solemnitas*, and appointed to be solemnized within the Castle of Windsor (an ancient Palace); tho' sometimes, by Dispensation, celebrated at Whitehall (another Palace of the Crown constituted by Act of Parliament, 28 H. 8. c. 11.) where also the Collar-Days were till lately observed, and Garter King of Arms is bound to attend at these Ceremonies. The Conclusion seems easie, that the Lord Marshal, though no Knight of the Order, may even at these Solemnities take the Precedency aforesaid confirmed by this Constitution.

His Lordship's Right was so fixed and uncontroverted in the following, or, rather, going higher than Garter, that at the Reception of the Cap and Sword, sent by the Pope, 6 Hen VIII. in St. Paul's Cathedral, (a Place now in Dispute) "The Duke of Norff. as Marshall of England, bare the Staffe of his Office; and next before him Garter King of Armies, and the Lord-Maioir of London, Mr. Will. Browne. And all other Noblemen, according to their Estates and Degrees, went before, &c.

Ceremon. Vol. 3. W. C. E. 215. a.

'Tis the Interest of the Lord Chamberlain of the Household, and the Vice-Chamberlain, to shew, They are Named in these Statutes; otherwise Mr. Ashmole's Testimony, in his Elaborate Work, will have Weight, "That the Place of the Lord Chamberlain of the Household, (If he be not a Knight of the Order) is to attend somewhat behind the side of the Canopy, on the Sovereign's Right-Hand, and the Vice-Chamberlain at the like Distance on his Left: For so they Waited in the Grand Procession, An. 23 Car. II. And this even above Stairs at a time when there was no Earl-Marshal to Contend with.

Hist. of the Garter, p. 566.

II. The Method Proposed, requires now an History of the Time, and Manner of the Questioning the Lord Marshal's Right, and the Proceedings thereon.

It has been already Observed, That the Earl-Marshal (whose Possession of the Place Claimed, has been deduced to the Year 1641.) went then beyond Sea, and never return'd; So that the Usage from thence (if any) by the Lord Chamberlain till 1672. (24 Car. II.) can be no Prejudice to this Great Officer, whose Patent bears Date 19 Octob. that Year. Whereupon, immediately (by the King's Command) "He requires Sir Edward Walker, Garter, to ask the Opinions of the Officers of Arms, in reference to the Earl-Marshal's Place, in all Proceeding's before Him, and to Report the same to His Majesty in Writing under their Hands, that He might thereafter give such Order as in his Royal Prudence should seem Just.

I. 25. p. 65.

Orig. Letter 28 Oct. 1672. I. 25. f. 118. a

And the Kings, Heralds and Pursuivants of Arms, do thereupon humbly Certifie to His Most Sacred Majesty, "That in Parliament and Assemblies of Council, He is placed by the Act 31 Hen. VIII. But in all Solemn Proceedings of State, as, through London; before a Coronation; Proceedings to Parliament; and to St. Paul's Church; The Lord Great-Chamberlain, Constable and Marshal, or Two of them, as most commonly the Lord Great-Chamberlain and Earl-Marshal, have gone on the Right and Left-Hand of the Sword, &c. agreeable unto ancient Practice. And that they humbly conceive, the Proceedings to Chapel, to fall under the Notion of Solemn Proceedings of State, though less Publick; for therein the Lord Chancellor, Treasurer, President, and Privy-Seal, go as they do in the fore-mention'd Proceedings, &c.

Original Certif. 30. Oct. 1672. I. 25. f. 118. b. 119. a.

This was Attested and Subscribed by all the Officers of Arms, except Norroy (Dugdale) then in the Country, [who afterwards Signed a Ceremonial of His Majesty's Proceedings to Chapel, at such time as the Sword of State is carried, to the same Effect.] And it should not be forgotten, That Sir Edward Walker Garter was a Pursuivant in 1635, Chester Herald in 1637, and Garter in 1645; And Sir William Dugdale Norroy was Created a Pursuivant in 1638: Who both of them well Remembred the Practice before the Wars; whose Abilities were too great to be Imposed upon; and their Characters are too well known, to lie under any Suspicion of Imposing upon others.

Orig. Cerem. 12 Jun. 1673. I. 25. f. 127. b.

Sir Edward Walker has under his Hand transmitted to Posterity a Narrative, Dated 2 Oct. 1672. wherein He (who was Clerk of the Council, as well as Garter) Testifies, "That the King having read this Certificate, declared, He believed the Report of the Officers of Arms was agreeable unto Ancient Practice: On such Proceedings farther saying, That He remembred, The Earl-Marshal's Grandfather (who was also Earl-Marshal) to have gone very near unto him, in the King his Father's time, when he was Prince. And after some other Discourse of the Reasonableness of it, His Majesty declared, That He Judged it fit to be so Practised for the future; and Commanded him to attend the Lord Steward and Lord Chamberlain, and to signifie unto them these his Thoughts; And that if either of them could say any thing against the same, they should represent the same unto His Majesty before Friday the First of November (being the Feast of All Saints) when His Majesty was to proceed Solemnly to Chapel. Accordingly Sir Edward Walker Waited on His Grace the D. of Ormond, Lord Steward of His Majesty's Household, who, upon reading of the said Report, made no Exceptions thereunto. Afterwards he Waited on the Right Honourable the Earl of St. Alban, Lord Chamberlain of His Majesty's Household, who, upon reading thereof, declared,

Orig. of Sir Edw. Walker's Hand-writing.

" declared, He would not Contend for Precedence with the Lord Great-Chamberlain, or Earl-Marshal, it being theirs in all Places but in the King's House, wherein he said, It was the Duty of his Office, and according to Ancient Practice, to go in all Proceedings in the Court, near the Sword, and next the King's Person; instancing several Duties, none Else but Himself, or the Vice-Chamberlain, in his Absence, could perform. Hereupon, after an Hearing, on All Saints Day, and Consideration of the Matter, " His Majesty then declared, That He held it fit, as agreeable to Ancient Practice, That the Lord Great-Chamberlain, and Earl-Marshal, should at all times, when they were both present, be placed and go on the Right and Left-Hand of the Sword; and when but one of them, he to go on the Right-Hand thereof. But in regard of the near and daily Attendance of the Lord Chamberlain, or Vice-Chamberlain in his Absence, That they, in such Proceedings, should go near unto His Majesty's Person; and this without Consequence, until His Majesty should declare his farther Pleasure concerning the Vice-Chamberlain's Place. Hereunto they all submitted, and the Lord Great-Chamberlain and Earl-Marshal did go on the Right and Left-Hand of the Sword (carried that Day, to and from the Chapel, by the Duke of Albemarle,) and the Lord Chamberlain and Vice-Chamberlain did go on each side, behind them, nearer the King, no Person being to Interpose between His Majesty and the Sword.

Draught of a  
Warrant in Sir  
Edw. Walker's  
Hand-writing.

Orig. Warrant  
9 June, 1673.  
1.25. f. 127. a.

Orig. Ceremon.  
12 June, 1673.  
1.25. f. 127. b.

On the 27th of April following, (1673) The King considering the Dignity of the Sword of State, and that being carried in the Middle, between the Lord Great-Chamberlain, and Earl-Marshal, who were to Support it, It had the most Honourable Place; His Majesty did Explain His former Order, by Declaring, " That whenever but One of these Great Officers were present, he should go on the Left-Hand of the Nobleman that carries the Sword, and not otherwise. His Majesty afterwards signifying his Royal Pleasure, by the Earl-Marshal, to the Officers of Arms, to draw up a Ceremonial of Proceeding to Chapel, when the Sword of State is carried. And that they should observe therein, as much as may be, the Practice of former Times, to be settled for the future; They Certifie, on 12th June, 1673, " That it hath been, and ought to be, in the Manner following, viz.

" Gentlemen of the Privy-Chamber, &c.

" Garter King of Armes, between

" Two Gentlemen-Ushers, Dayly Wayters.

" The Earl-Marshal

The Sword born by a Nobleman;  
and if a Collar-Day, then by  
a Knight of the Garter.

The Lord Great-  
Chamberlain.

" The Lord Chamberlain of the House-  
hold, a little advanced on the  
Left-Hand of His Majesty, be-  
cause of his necessary Atten-  
dance; And, in his Absence,  
the Vice-Chamberlain, and not  
otherwise.

**" The KING.**

The Original is Sign'd by all the Officers of Arms, except Lancaster, Blue-Mantle, and Portcullis, who were absent.

Accordingly the said Ceremonial was from thence Observed, till the Year 1680; and the several Deputies to the Earl-Marshal, during those Seven Years, went on the Left-Hand of the Sword, in the Place of the Earl-Marshal, who (by reason of his Religion) after the Test Act, could not Personally Execute his Office.

Henry Earl of Norwich, Earl-Marshal, (afterwards Duke of Norfolk) died on or about 11th Jan. 1683. His Son Henry, late Duke of Norfolk, enjoyed Place on the Left of the Sword, in Proceedings to Chapel, before the Death of King Charles II.

But in March 1684. the Earl of Arlington, Lord Chamberlain of the Household, enquiring of Sir Thomas St. George, Norroy, the Usage in the time of his Lordship's Predecessor, Philip Earl of Pembroke, who Attested, " That he did not go on either side the Sword of State, but near the King's Person, on his Left-Hand, a little advanced. And this Testimony not satisfying his Lordship, Sir William Dugdale, Garter, was Consulted also; who producing a Pocket-Book, containing some Notes, where, in Absence of the Lord Great-Chamberlain, it was Entred, " That the Earl-Marshal went on the Right, and the Lord Chamberlain of the Household on the Left of the Sword; otherwise, the Place of the Latter was near the King's Person, on the Left-Hand. Which so Entirely Convinced his Lordship, that he never Disputed it during the Duke of Norfolk's Time, who continued to go in his Place by the Sword, till the Earl of Mulgrave, Lord Chamberlain of the Household, made a Representation to His Majesty, King James II. about the latter-end of the Year 1685. (which was sent by the Earl of Sunderland to the Earl-Marshal) wherein he sets forth, " That in all Domestick Ceremonies and Proceedings in the King's House, he has the Precedency before all the Great Officers of the Crown, being next to the King's Person, Ratione Executionis Officii; alledging, He alone has the Government of the King's House Above stairs, &c. And that Within His Majesty's House, the Lord Great-Chamberlain and Earl-Marshal have no Jurisdiction, nor Exercise of their Offices, and therefore can claim no Precedency but what the Act (of Hen. VIII. gives them —

Earl of Mul-  
grave's Claim.

Duke of Nor-  
folk's Answer.

Which Representation, or Memorial, was Answer'd by His Grace the Duke of Norfolk, wherein the Duke allows him to be next the King's Person, so as not to interpose between the  
Sword



*Sword* and the *King*; asserting the Lord *Great-Chamberlain's* and his Own Right to Attend the *Sword of State*, where-ever it should be born; as also, That His Grace had as full a Jurisdiction and Execution of his Office *within the Household*, as in any other Place.

The Entry in the *Heralds Office*, 24. Decemb. 1685. acquaints us with this Claim, and the Dukes Answer thereto: And particularly shews, "That on that very Evening (the Vigil of *Christmas*) His Grace went on the Right-Hand of the *Sword*, at His Majesty's Proceeding to Chapel at *St. James's*, no Body going on the Left." L. 3. p. 211.

About the 13th of *April*, 1686. the Earl of *Mulgrave* thought fit to Enlarge his Claim, challenging now, as Lord *Chamberlain of the Household*, to go in Proceedings to Chapel, on the Right-Hand of the *Sword*. Which being to be Heard at the Cabinet-Council the next Day, Garter and *Clarenceux* were Order'd by the *Earl-Marshal* to Attend, with what they could offer, in Justification of His Grace's Right of Attendance on the *Sword of State*, in such Proceedings: Which they accordingly did. But the Earl of *Craven*, one of the Lords of the Council, affirm'd, The Practice in the Time of *Charles the First*, in Favour of the Lord *Chamberlain*; contrary to Mr. Garter's Affirmation on Behalf of the *Earl-Marshal*. Whereupon a New Proceeding to Chapel was shortly after drawn up, and hung up in the Queen's Presence-Chamber (at *St. James's*,) Signed by the Earl of *Mulgrave*, wherein he put himself and the *Vice-Chamberlain* on each side the *Sword*: And the Places of the Officers of Arms were also thereby altered from what they ought to be. L. 3. p. 217. Ibid. p. 219.

Sir *Henry St. George*, then *Clarenceux*, now Garter, and other Witnesses, waited at the Door of the Cabinet, having Books to Prove the Right of the *Earl-Marshal*, but were never Heard on His Lordship's Behalf.

And Enquiry being afterwards made of the Earl of *Craven*, to know whether his Lordship remembered, that at the Christning of some Prince (where he mention'd the Lord *Chamberlain* to have gone by the *Sword*) the Earl of *Arundel*, Earl Marshal, was present, because it had been assured by some Persons then living, That that Earl was not there: His Lordship answered, That Question had not been demanded at the Cabinet, neither could he remember his Presence, but verily believed he was absent.

'Tis not known by the Lord *Marshal* what Christning this Noble Earl then meant: however, 'tis certain no *Sword of State* was carried at those of the Princes *Charles* or *James*, Sons of King *Charles I.* and which were, in this respect, consonant to ancient Practice, since the *Rules* inform us, There shall be no Coat kept at such Solemnities, for byt ys a Deede of *Almys*: W. W. f. 154. b. in which all the Ceremonials agree. So that there were many Irregularities in the Christning referred to by this Noble Earl, whose-ever it was.

But 'tis proper enough here to remark, That in the Ordre takyn for Chrystning of Prince *Edward* at *Hampton Courte*, xv. Oct. xxix Hen. VIII. there is this Article; Item, "The Lord *Marshal of England* to have his Servants with Typstaves in redynes to make Place, as to that Office apparteynith: And the Knyght *Marschal* to be also redy with the Lorde *Marschal* there with the Typstaves. Which is a plain Instance of the *Marschal's* Jurisdiction in the Household." M. 6. f. 24. a.

When Notice was brought the Duke of *Norfolk*, soon after *Whitsontide*, (23 May, 1686.) That the Table of Directions for Proceeding to Chapel aforementioned, was set up at *St. James's*, Subscribed, By His Majesty's Command, *Mulgrave*; His Grace, saying he was Judge of Precedencies, and had Right to settle Proceedings of *State*) gave Orders to one of the Officers of Arms, to take the same down: Which was done accordingly. And the *Earl-Marshal*, in Discoursing with his Secretary, then Declared, "He was more Easie and Satisfied in this Affair, since he knew his Right was so very apparent, that he assured himself, the King would not give any Publick Determination against it." L. 3. p. 219, 220.

The Council-Books were inspected, but nothing could ever be found there in this Matter.

It's true, That the *Earl-Marshal* forbore going in the Proceedings to Chapel, Saturday 29 May, and Thursday 3 June, 1686. being *Corpus-Christi Day*. L. 3. p. 221.

Some Years after the late Revolution, viz. on *Christmas-day* 1693. the Officers of Arms observed an Order set up in the King's Presence-Chamber at *Whitehall*, Signed by the Earl of *Dorset*, Lord Chamberlain of the Household, touching the Proceeding to Chapel; not much unlike that Sign'd formerly by the Earl of *Mulgrave*. L. 3. 296. b.

Whereupon, 2 Jan. ensuing, the D. of *Norfolk* directed the Officers of Arms to draw up a Petition to His Majesty, in the E. Marshal's Name, touching the same, as an Infringing of his Office. L. 3. 297. a. b.

This was heard by His Majesty in Council 29 Mar. 1694, the Matter thereupon being referred to a Committee of the Lords of the Council, and 23 April appointed for hearing the same, but deferred sine Die. L. 3. 302. b.

The E. of *Dorset* having assured the Duke he would not Insist or Contest this Matter, whereon his Grace acquiesced, having (as 'tis verily believed) never any notice of the Determination of King *James*, and therefore conceiving his Right sufficiently established by the former Order of King *Charles*.

In this Manner this Affair stood, as it was thought, till in June 1706. a Paper was sent to Garter King of Armes, importing an Order from King *James II.* made above 20 Years before, (viz. 30 Apr. 1686.) Declaring, "That in the Proceedings when His Majesty is attended to the Chapel Royal, the *Chamberlain of the Household* shall go on the Right-hand of the *Sword*, and the *Vice-Chamberlain* on the Left; and so in all other Ceremonies within the Palaces, where he should reside, when the *Sword of State* should be carried before him; and that the *Great-Chamberlain* and *Earl-Marshal of England*, should go in their Places, settled by Act of Parliament, amongst the rest of the Nobility, before the *Sword*." It

It should be here Remembred that in these Ceremonials of the Lord Chamberlains, The Herald's were placed Inferior to the Gentlemen of the Privy Chamber, but have since been permitted quietly to Resume their due Places, without any formal Order on their behalf for their Restitution.

The Lord Marshall only Insists on the Justice of his Case, so will not make any Remark of the Occasion, whereby the Duke of *Norfolk* was not in the highest Favour with that Prince.

If there should be any other Dormant Warrants relating to the Office of *Marshal of England*, That Officer most humbly Prays all such may be declared of no Effect, especially should they contain Determinations, contrary to his known Rights and the Orders made by former Princes, on Solemn hearings; hoping, that What, at first, would not bear publick Light, ought not to gain any Authority by being kept secret many Years.

The concealing of this Warrant, not only for the two last Years of that Prince's Reign, but eighteen Years after, seems more Inconsistent with the nature of the Lord Marshall's Office, than with any other; because even that King following therein, the Precedents of his Predecessors, (in an Order 5 *Jun.* 1686.) not long after, allowed, "That the Cognizance of Matters of Precedency properly belonged to the Lord Marshall.

It may therefore with some Assurance be hoped, that such a Determination, kept in the Dark, will never be allowed the Force and Authority of any Precedent; much less to Supercede the settled usage of Reigns, wherein such Arbitrary Power was never known.

III. The next Head requires Proofs, that the *Lord Chamberlain of the Household* hath been placed, either at the Head of his Class, or Degree, or within the Household either near the Royal Person, to distribute Commands, carry the Candle, or behind to bear the Train, Support the Mantle, &c. and that the *Vice Chamberlain*, in absence of the *Lord Chamberlain*, ought to perform these Duties, or to go by the *Secretary of State* when neither are Peers.

1. At the Head of his Class or Degree, in Conformity to what the Act directs within the Parliament-House.

Thus in the Procession to Parliament 1 *Phil.* K. James Proceeding thro' London 1603. p. 10. & *Mar.* in p. 7. Procession to Parliament 17 *March* 1627. p. 11.

Procession from the Tower to Westminster before the Coronation *primo Eliz.* ibid. through London 1641. p. 12.

Procession to Parl. 1 *Eliz.* and 14 *Eliz.* p. 8. Procession through London before the Coronation

Procession to St. Paul's 1588. 30 *Eliz.* p. 9. tion of King Charles II. Anno 1661. ibid.

Procession to Parliament 35 *Eliz.* ibid.

2. At other times, within the Household the *Lord Chamberlain* has been placed near the Royal Person, to receive and distribute Commands, in the Day-time somewhat behind, but in the Night somewhat before, to carry the Candle or Torch, &c.

At the Coronation of Q. Anne (*Bullen*) p. 5. Procession to Parliament 27 *Eliz.* p. 9.

Procession to Parliament 5 *Eliz.* p. 8. Procession to Parliament 35 *Eliz.* ibid.

See also Mr. *Ashmole's* Hist. of the Garter, cited before in p. 13.

3. Sometime behind the Royal Person, to bear the Mantle or Train.

Ceremon. Vol. 1.  
2. W. B. f. 178. a.

ibid. f. 180. b.

Ceremon. Vol. 1.  
W. A. f. 104.

L. 15. f. 130. a.

ibid.

W. N. f. 113.  
B. 23. f. 120.  
127. penes Hen.  
St. George Mil.  
Garter.

Ceremon. Vol. 1.  
W. A. f. 126. b.

Ceremon. Vol. 2.  
W. B. f. 167.

Thus in an ancient Book of Ceremonies is proposed this Question: The King going in Procession in the Day of Estate, in his Robe Royal, whether the *Steward* and the *Chamberlain* shall go before him, or on side of him, or no? The Answer thereto is, If the *Chamberlain of England* be present, then they shall go before, apart; and in his Absence the *Steward* and *Treasurer* shall go before apart, and the *Chamberlain* bearing the Train: which is fully explain'd in the same Book, under the Title, "As for all the iiii Feasts of the Year; And thus the King must come into all Mattens, and to Mass, and to offer in the same Arraie; And the *Chamberlain* must bear his Train. It may be presumed the *Chamberlain* of the Household will not alledge this relates to the Great *Chamberlain*, because he denies him any Office in the Household.

Thus at *Greenwich* 10 *Nov.* 1527. When the *Sword of State* was carried, the *Lord Chamberlain* and the *Vice Chamberlain* bore the King's Train, when *Hen.* 8 received the Order of *St. Michael*. Also at the Procession to Parliament 28 *Apr.* 31 *Hen.* 8 'tis said that for default of a *Lord Chamberlain* the King's pleasure was, that Sir *Anthony Browne* Master of the Horse should beare the Trayne.

Likewise at the Procession to Parliament 4 *Nov.* 1 *E.* 6.

The same at *Edward the Sixth's* Reception of the Order of *St. Michael*, 16 *July* 1550.

So again at the Procession to Parliament, 1 *Mar.* 7 *E.* 6. [L. 15. f. 130. a.]

At *Queen Mary's* Coronation, "Her Grace's Train was born by the Dutches of *Norfolk*, and assisted by the *Lord Chamberlain*, Sir *John Gage*. And that he was only *Chamberlain* of the Household appears in the same Solemnity, because the *Lord Great Chamberlain* is there plac'd on the Right-hand of the *Sword*.

At Her Majesty's Marriage with K. *Philip*, "Her Highness's Train was born by the Marchioness of *Winchester*, with Sir *John Gage* Her *Lord Chamberlain*.

Proceeding to Parliament 8 and 9 *Eliz.* (cited before in pag. 8) the *Lord Chamberlain* (of the Household) supported the Mantle, and the *Vice Chamberlain* in Train.

Thus also the Prince's *Chamberlain* 18 *Jan.* 1 (as afore in p. 11) to carry his Train.

Now



Now as to the *Vice-Chamberlain's* Place, it is either near the Secretary, when neither are Barons, or in the Absence of the Chamberlain of the Household, as before, to receive Commands, carry the Candles, &c.

1. Near the Secretary: On his right Hand, or next above him.

To prove this, there remains a Letter in the Cotton Library, wrote by one G. Vespasian. E. Richards, Secretary (temp. Maria) wherein is this Passage about Processions to 9. f. 40. in Chapel — "Mr. Darell, our Vice-Chamberlain, would take me by the Arme, "and ye know what prowde Stomack he had; this was I us'd, and never perceived "noe Disdayn in noon of them all.

The same Place in Procession to St. Paul's, 1588. antea p. 9.

Procession to Parliament, 35 Eliz. *ibid.*

And thus he is ranked as subscribed, attesting the Charter of King James I. (4 Nov. A. W. X. f. 137, R. R. 14.) creating his Son Prince of Wales, which was done with the greatest 138. Deliberation.

2. Behind the Royal Person to receive Commands.

Parl. Procession, 5 Eliz. p. 8.

———— 14 Eliz. p. *ibid.*

———— 27 Eliz. p. 9.

———— 35 Eliz. p. *ibid.*

The King's Entry thro' London, 1 Jac. 1603. p. 10.

Proceeding to Parliament, 1620. p. 11.

Procession to St. Paul's Cathedral, 1620.

Before the Coronation of King Charles II. cited in p. 12.

3. To bear the Train.

Procession to Parl. 8 and also 9 Eliz. p. 8.

——Parl. 1614. p. 10.

Dugd. Hist.  
Paul's, p. 267,  
or rather p.  
267, 298.  
W. A. f. 144.  
a. b.

And it should be remarked, that the Lord St. Alban in his Claim, only insists on the *Vice-Chamberlain's* Place near the Royal Person, in his own Absence; and that though the *Vice-Chamberlain* was allowed on All Saints Day, 1672. to go behind the *Earl-Marshal* nearer the King, when the *Lord Chamberlain of the Household* had a Place on the other side, yet the same was declar'd by his Majesty to be without Consequence. And the *Officers of Arms*, in their Certificate report, that the *Vice-Chamberlain* had only a Place near the King, in Absence of the *Lord Chamberlain*, which introduces the

See before in  
p. 14.

Vide Ibid.

Fourth Observation, That the Claim of the *Lord-Chamberlain*, and the *Vice-Chamberlain* (his Deputy) to have both Precedency on each side of the *Sword* at the same time, is contrary to the known Rules of Precedency; one whereof is, That in Presence of the *Principal*, all Surrogation and Claims, by Virtue of any Deputation, utterly ceases.

Thus Ambassadors lose their Characters and Precedency, whenever their Constituents appear.

To give Examples more apposite to the present Dispute: In Germany, (where the Jurisdictions of the great Offices have been preserved most intire) when the Elector of Brandenburg, *Hereditary Great Chamberlain of the Empire*, is present, not only the Power of the *Hereditary Vice-Chamberlain*, but that of the *Chamberlain of the Emperor's Household* ceases, as may be seen in the *Sr de Heisse*. So likewise in Poland, whenever the *Marssalcus Regni* appears, the Office of *Marssalcus Curie* is suspended, *Statut. Polonia per Hercurtum de Hulstin*, p. 273 & 274. But this is properly the Province of the learned Council of the *Lord Great Chamberlain of England*, who will doubtless shew the true Import of the Words in the Original Grant of K. Henry the 1st, viz. *Magistrum Camerariam totius Angliæ*; and prove, that the *Lord-Chamberlain of the Household* has the same Relation to the *Lord Great Chamberlain*, as the *Premier and Grand Chambellan* has to the *Grand Chambrier in France*, the former being created to assist the latter; as, without Controversy, the *Vice-Chamberlain* was instituted here for the Ease of the *Lord-Chamberlain*. But if the *Vice-Chamberlain* should pretend to be independent, 'tis desir'd he would shew his Office in the Ordinances for the Household, made 16 E. 2. which are of very great length, and contain the Rights and Duties of the greatest, and the most inferiour Officers, even to the very Scullery.

'Tis Time to hasten to the Allegations of the *Lord-Chamberlain of the Household* for himself, and his Objections against the *Lord-Marshal's* Claim.

Claim of the Earl of *Mulgrave*, in p. 14. "It having been formerly alledged, that the *Lord-Chamberlain of the Household* has the sole Government in the King's House above Stairs, and ought there, by Reason of the Execution of his Office, to have Precedency before the *Lord Great Chamberlain* and *Earl-Marshal*, who (according to his Lordship's Assertion) have no Jurisdiction, or Exercise of their Offices within the Palaces.

In Answer therefore to this Foundation of the Claim, it may not be improper, after premising some Observations, to shew from Records, Historians, and Lawyers, That the *Lord-Marshal* has always had an undoubted Jurisdiction and Authority within the Household.

I. The first Observation, That the *Lord-Chamberlain of the Household*, upon the same Pretence of sole Jurisdiction above Stairs, exclusive of the *Lord Chancellor* and *Lord Treasurer of England*, *Lord President of the Council* and *Lord Privy-Seal*, insinuates a Right of Precedency above them, by going nearer her Majesty's Royal Person. Whereas there are Grounds to suppose, the Place of the *Lord-Chamberlain* near the Queen's Person, doth not imply any Power or Precedency in his Lordship above these other greater Officers within the Household, but only is an Attendance in a Place proper to his Services, as to receive Commands, open Doors, carry Candles, &c. For the *Lord-Marshal* conceives, there being particular Allotments of Duties to Officers within the Household, such Places are given as are agreeable and proper to the Natures, Qualities, and Exercise of them; and therefore thinks it not improbable, there may be different Officers with distinct Powers and Privileges, and independent on each other, having as it were peculiar Orbs of their own, within which they move, and that in such Stations as best suit with the Functions of their respective Offices. Thus he does not conceive, that because 'tis necessary to be near the Royal Person to receive Commands, That therefore the *Lord-Chamberlain* being so placed for that Purpose, can be reckon'd to have Precedency before the great Officers afore said, or any Jurisdiction superiour to them above Stairs: Or can thereby pretend to any Right to support or attend the *Sword*, the Emblem of Military Power, which certainly must be most properly done by the great Military Hereditary Officer of the Kingdom.

II. Secondly, The bare Assertion of the *Chamberlain of the Household* will not be admitted to be sufficient Proof, that his Lordship has the chief Authority in all Places above Stairs, not only since it will appear hereafter his own Lodgings within the Household, are to be assign'd him by the *Lord-Marshal*; but that also the Consequence of that Opinion must be, the *Lord-Chamberlain* has Authority over the *Groom of the Stole*: Whereas the Earl of *Bath* deny'd the Earl of *Arlington* Entrance into the Bed-Chamber, as the Earl of *Peterborough* did afterward to the Earl of *Mulgrave*; and that too very justly, because we find in the Statutes made at *Eltham*, 17 H. 8. c. 46. the "Attendance of the *Lord-Chamberlain upon his Charge and Office*, is there established in the *Outer [outer] Chambers*. And in c. 55. treating of the King's Privy-Chamber, 'tis ordain'd, "No Person of what Estate, Degree, or Condition soever he be, &c. come into the King's Privy-Chamber, except the *Marquess of Exeter*, vi Gent. ii Gent. *Hushers*, iv *Groomes*, and the King's Barber, and a Page; in all xv Persons therein particularly named.

III. Thirdly, The chief Authority doth not constantly give Precedency; for then, in parity of Reason, the *Lord-Steward*, whom the *Lord-Chamberlain* granted to have as great Jurisdiction below Stairs, as he had above, would be also entituled within these Limits to the same Precedency, which he never claim'd or enjoy'd. Thus at the Creation of *Charles Prince of Wales*, Ceremon. Vol. 3 November 1616. at *Whitehall*, the *Lord-Chamberlain* and *Lord-Steward* sat below the Earl-Marshal, tho' he was made only for that Day. And at the Christenings of King *Charles* the 1. W. A. f. 39. 2d and *James* the 2d, the *Earl-Marshal* had a better Place than the *Lord-Chamberlain of the Household*. L. 18. f. 4, 5.

But what is mostly insisted on in Answer to this Objection, and in Vindication of the Office of *Marshal of England*, is, That he has always been allow'd to have Authority and Exercise of his Office within the Household.

In order to shew this clearly, it may not be esteem'd unnecessary here to remark out of *Fleta*, and from the Records, That the Office of *Marshal of England*, consisted partly in Matters Foreign and Military, in Times of War, and partly in Matters Domestick within the Prince's Household, in Times of Peace; which latter was chiefly executed within the Virge. But because his Military Employments (wherein the noblest Part of his Services consisted) called him abroad from his domestick Attendances, he had Liberty granted him, and accordingly, for the most part, substituted a *Knight-Marshal*, or *Lieutenant*, to perform his Office in the Household, who, by means of his constant Waiting, and Allowances of Liveries and Diet, became in Tract of Time to be reputed as the King's immediate Servant; though at some times we shall find the *Lord-Marshal* himself personally sitting (not only in the Court-Military, or of Chivalry, within the Limits of the Palaces) but also in the Courts of the *Marshalsea* of the Household within the Virge. And if his being a Judge in these latter Courts be not the most pregnant



pregnant Proof of Jurisdiction within the Household, and Causes arising therein, the Lord Chamberlain of the Household is desir'd to acquaint us, what sort of Evidence he expects.

The Right of the Lord Marshal shall be first stated from two ancient Lawyers, of great Authority in Matters of this kind, *Fleta* and *Britton*, and then the same shall be confirm'd by Records and Histories.

*Fleta*, "*Mariscalcia est quadam magna Serjantia Regis Comiti Norfolciæ in fædo commissæ, cui cum L. 2. c. 4. personalitèr Servitium pro Serjancia illa Regi debitum facere non possit, liceat loco suo quendam Militem constituere (assensu tamèn Regis interveniente) qui vice dicti Comitis faciat, quæ fuerint facienda.*"

— "*Ipsi autem Servienti Commissa est Virga coram Rege deferenda, quæ Signat pacem, & inde dicitur Virgata, quæ sequitur Regem, ubicunque fuerit in Angliâ, Spatium continet duodecim leucarum. In omni autem Guerra Regis erit ejus Officium, &c.* Which is omitted, being foreign to the present Enquiry. This Author proceeds to the Duty of the Earl of Norfolk (the Marshal of England) within the Household, "*Tempore autem pacis est ejus Officium Hospitia liberare Camerario Regis pro Rege, & Camerario, & intrinsicis suis.*" A Passage particularly recommended to the Consideration of the Chamberlain of the Household.

There follow in the same Chapter, several Instances of the Marshal's Power and Right of Deputing other Officers within the Verge, who thereby become entitled there to Liveries, and to execute divers Jurisdictions of the Marshal too long to be transcrib'd, tho' very full to the present Purpose. But the Book being in Print, may be easily inspected.

The next Lawyer is *Britton*, whose Words are, "*Et voloms qe le Count de Norff. per luy, ou per autre Chevaler, seït entendant a Nous, e a Nostre Seneschal a fere nous Commandemens, e les Attachemens e les Executions de nos Jugemens, e de Nostre Seneschal par la Verge de Nostre Hostell taunt come il tendra Marefchancie.*" The Proof of the Assertions of those two Venerable Lawyers, (if they are not of themselves sufficient Vouchers) will appear from this Discourse, wherein the Series of Time is observ'd, as far as the Subject would permit.

The first Record cited, is, a Charter in the first Year of King *John*, because it has a Reference to the Reign of *Hen. 1.* In this Charter the King confirms, "*Will'mo Marefcallo Comiti de Cart. i. Joh. p. Pembroc, & hæredibus suis, Magistratum Marefcalciæ Curie Nostre, quem Magistratum Gilbertus 2. n. 85. Marefcallus Henrici Regis, Avi Patris Nostri, & Johannes filius ipsius Gilberti distracionaverunt, &c.*" For Explanation of these Words, let Mr. *Camden* (who cannot be taxed with any Interest in the present Controversy) be consulted, who will acquaint his Reader, That this *William Marshal* *Camd. Britan. Earl of Pembroke*, was so call'd, because his Ancestors had been hereditary Marshals of the King's Household. He also, in his Discourse on the Antiquity of the Marshal, interprets the Magistracy here mention'd, to signify the King's Household.

Possibly it may not be an unfair Inference from these Words, That the Marshal, like the *Primicerius Officii* in the ancient Empire, hath a Magistrat and Superintendant Power over all others of that Denomination. And *Cicero* shews the Meaning of *Magistratus*, "*Cujus hæc est Lib. 3. de leg. vis ut præsit, præscribatque recta, & utilia, & conjuncta cum Legibus; ut enim magistratus legibus, ita populo præsent magistratus, vereque dici potest magistratum esse legem loquentem, legem autem mutum magistratum.*"

The next shall be the Red Book of the *Exchequer*, and that in two remarkable places; the first relating to the Fees and Allowances in the Household due to the Marshal there. *Henricus de Pomray, si extra domum comederit, such and such Fees; then de Marefcaucia, Magister Mariscalcus similiter, scilicet Johannes. Et præter hoc debet Magister Marefcalciæ habere dicas, &c.* Printed at large in *Spelman's Gloss.* The Title *Magister Marefcallus*, is very conformable to the *Magistratus Marefcalciæ* in King *John's* Charter. And the *John* herein mention'd, is either the aforesaid *John*, Son of *Gislebert*, named in King *John's* Charter, or *John* his Son, who was the elder Brother of *William* Earl of *Pembroke*; both which *Johns* are stiled the King's Marshals. As to *John* the Father, *Hen. 2.* speaking to *Thomas a Becket*, (as *Hoveden* tells us) *Tu prius respondebis mihi de Injuria quam fecisti Johanni Marefcallo meo; and M. Paris* calls him expressly, *Marefcallus Regis: Bedam p. 283. M. Paris, p. 102. Barcnag. Rich. 1. Anno primo, Johanni Marefcallo nostro.* And a printed Charter of the Earl of *Pembroke*, is attested, *Johanne Domini Regis Marefcallo fratre meo.* Now, it is on all Hands agreed, that from these *Johns* (the Marshals) who had the *Magistratus Marefcalciæ Curie*; and were *Magistri Marefcalli*, and *Marefcalli Domini Regis*, the same came to *William* Earl of *Pembroke*, and from him, to his Sons, (whereon *William* Earl of *Pembroke* stiles himself, *Willielmus Marefcallus Angliæ Comes Pembroc*) who all dying without Issue, the Office, by his Daughter, fell to *Roger Bygot*, Earl of *Norfolk*, who is often in Records, as well as Histories and Charters, nominated Marshal of England, which shews the same Office which was anciently granted by the Words, *Magistratus Marefcalciæ Curie*, is now in the Lord Marshal.

Fol. 232. a. In the same Red Book, is also contain'd the Ceremony of the Coronation of *Elknor*, Queen to *Hen. 3.* "De Officio servivit Gilbertus Mareſcallus Comes de Strigul, cujus est Officium tumultus sedare in Domo Regis, liberationes Hospitiorum facere, Hostia Aula Regis custodire.

Fol. 55. Here it may not be unfit to shew from other Authorities, That the *Marshal of England* has Right of assigning Lodgings, as well within the Household, as where ever the King should be present. In *Libro Glaston. A. D. 1272.* "Sciendum est quod ante adventum Regis venit Dominus *Walterus de Everlegh*, gerens *Vices pro Domino Comite Mareſcallo Anglie*, volens sicut alibi in regno, ut ad Officium suum pertinuit, Hospitia providere & liberare Magnatibus & aliis Officiariis & Domini Regis Ministris. This the Abbot deny'd, as a Breach of the Liberty of the 12 Hides, and therefore allow'd his own Steward, who thereon (as the Book saith) placita placitavit, that the *Marshal* should otherwise have done. The Original is in the Cotton Library, but this Quotation is from *Excerpta per Dom. Selden in Bibl. Hosp. Lincoln.* Which plainly intimates the *Marshal's* Harbingers are Substitutes to the Lord *Marshal*. And of those Deputies therefore doubtless must be understood these Records prohibiting, *Ne quis se hospitet absque Mareſcallis Regis.* Pat. 2. E. 3. p. 1. m. 19. Et de liberatione Hospitiorum pro Magnatibus ad Parlamentum venientibus per Mareſcallos Hospitii. Pat. 2. E. 3. p. 2. m. 17. And the Exemptions a *Mareſcallo* vel a *Mareſcallis*, are also equivalent with a liberatione Hospitiorum. Pat. 36. H. 3. n. 13.

No. 81. Hence Sir *H. Spelman* describes the Duty of the *Marshal of England*, Ad designandum cuique metatus suos. And this Great Officer in the Enumeration of the Rights of his Office laid before the Parliament apud *Winton 4. Ed. 3.* "Et en droit des Hosteux dedeins le Verge la livree se doit faire per le Count *Marshal* ou son Lieutenant, & per nul autre. Which is also expreſs'd in the long French Claim printed by *Spelman*, "Le Mareſcal doit livrer les Hostels a la Fornee, & par tout ou le Roy est, &c. Most of that Claim is pertinent to the present Subject, but is only now refer'd unto.

Claus. 11. Ed. 2. m. 25. dorf. The next Instance of his Power in the Household, may be taken from the Fees due to him for Execution of his Office in that place. Thus a Writ issues to the Treasurer and Barons of the Exchequer, to certify, "Super quibusdam feodis, qua Mareſcalli Anglie qui pro tempore fuerunt, & eorum Ministri tempore progenitorum nostrorum, quondam Regum Anglie, de Hospitiis eorundem progenitorum nostrorum quondam Regum Anglie percipere consueverunt: Who certifying what has been above quoted from the Red Book, the King thereon orders the Steward of the Household, and Keeper of the Wardrobe, "Quod Dilecto fratri & fidei nostro *Thoma de Brotherton Comiti Norfolciae & Mareſcallo Anglie*, & illis quos ad Officium Mareſcalciae constituerit loco suo, feoda hujusmodi habere faciant. After the Death of *William de Monteacuto*, Earl of *Salisbury*, and *Marshal of England*, dying without Heirs Males of his Body, the Office reverting to the Crown, a Writ issued out to *Robert Hede* and others, to seize into the King's Hands, "Officium Mareſcalciae predictae tam in Curia Mareſcalciae Hospitii nostri, & in banco nostro coram Nobis, &c. And there also in the same Year issued a Writ to the Barons of the Exchequer, to certify, Quae pertinent ad Officium Comitum Mareſcalli & Mareſcalciae Anglie tam in Scaccario Nostro & aliis placeis Nostri & in Hospitio Nostro quam alibi, &c. Whose Return is enroll'd, where they certify, as above-recited, from the Red Book. These Records expressly mention the Office of the Lord *Marshal* even in the Household.

M. Paris. p. 384. On the Account of the Power and Jurisdiction of the *Marshal of England* within the Virge and Household, he has, as *Fleta* formerly observ'd, his Knight and Lieutenant therein. *M. Paris*, ad *A. D. 1233.* acquaints us, That *Hen. 3.* "Omnes Naturales Curia sua Ministros a suis removit Officiis & Picavienses in eorum ministeriis subrogavit, Will'mum quoque de Rodune Militem, qui in Curia Regis vices gerebat *Richardi magni Mareſcalli*, quod idem *Richardus* nimis moleste tulit — Cum his & similibus Injuriis *Richardus Comes Regni Mareſcallus*, &c.

Ibid. p. 785. 786. The same Historian, ad *A. D. 1250.* hath this Passage, "Galfridus quidam Miles Domini Regis Ballivus nomine, cognomento de Langley — dudum ad Mareſcalli Officium in Hospitio Domini Regis promotus, ut Virgam pro Magno ferret Mareſcallo, Regalis Mensa minoravit pro posse dapilitatem, &c. which corresponds with *Fleta*. "Ipsi Servienti commissa est Virga, and exactly agrees with the Claim of *Thomas de Brotherton*, *Marshal of England*, (Ancestor to the present Lord-*Marshal*) made in the Parliament at *Winton*, 4 E. 3. "Qu'il peusse estre servi de ses Fees, & des autres choses que appendent a son Office de la Marchaſſe dedeinz l'ostell et dehors auxi avant come ses Predecessors Countes *Marſhaults* ont estre servi — cest aſcavoir, quant le Counte est dedeinz le Verge — des quelles le Roy que mort est comanda per ses Letters — quil feissent livree a dist Counte per Certification que luy vint hors de son Eschekiere. Item le dit Conte devoit prendre chacun amercement — Endret de Attachment des gentz del hostel le Roy ou de foreins ils se devient faire per le Counte *Marſhall* & les Ministres & per nul autre — Item endreit des Verges viroles, nul Home ne les doit porter dedeins la Verge, si non ceux que sont article par le dit Count.

But we must not so soon lose sight of the Officers and Lieutenants of the *Marshal of England*, residing within the Household for the Execution and Support of his Jurisdiction there, while his other nobler Services and greater Affairs might call him out of the Virge.



In the foresaid Abby-Book of Glastonbury, there are two Receipts, one in French, another in Latin: The first is, "*A touz iceus qe cest Lettre Verront et orront Philippe de Verney tenant le lieu Roger Bigod Counte de Norfolk & Marechal d' Angleterre en l' ofiel noster Seigneur le Roi, Salutz en Dieu, Sachez moy conuz aver receu de l' Abbe de Glastonbury v Marcs et demi par le fee le Counte al homage faire —*" &c. Anno 34 E. 1. The other is, "*Pateat per presentes quod ego Johannes de Weston locum tenens Domini Thomae illustris Regis Angliæ filii Comitis Norfolciæ & Marecalli Angliæ in Hospitio Domini Regis recepi,*" &c. A. 16. E. 2.

Before any more Precedents of the like Nature are produc'd, 'tis desir'd some other Records relating to this same Sir John de Weston may be inspected; since by collating them, it must appear, that he as Deputy to the Lord-Marshal not only sat as a Co-judge in Causes Military with the Constable, but also received Fees within the Household, and (which is much more) sat with the Steward as Judge of the Marshalsea Court, by Substitution from the Lord-Marshal. *Johannes Weston locum tenens Comitis Marecalli in Exercitu Regis versus Scotiam.* And in the same Year we find, (as they are recorded afterwards) "*Placita Exercitus apud Tuttebiri coram Fulcone filio Warini Constabulario, Johanne de Weston Marecallo —*" Where there is a *Certiorare* in this 18th Year directed, "*Johanni de Westone, nuper Marecallo hospitii,*" tho' he was only Deputy, and yet acted as Judge; the Marshalsea-Rolls 10 and 12 E. 2. being thus entitled: "*Placita aula Domini Regis apud Northampton coram Willielmo de Monteacuto Milite Senescallo hospitii Domini Regis & Johanne de Weston Milite locum tenente Thomae de Brotherton Marecalli Angliæ.*" Thus it appears from a late Patent, 5 Julii 12 H. 7. to Commissioners to execute "*quæ ad Officium Constabularii & Marecalli pertinent,*" that the Miles, or Lieutenant deputed by the Marshal, has, by Virtue thereof, Power to execute Martial Law, because in this Patent the Commissioners are particularly directed to proceed "*Secundum Legem & Consuetudines coram Milite Marecallo hactenus sitatas.*" And if the Lieutenant and Deputy have such Power of judging within the Palaces, certainly there is the same Right in the Principal, who constituted this Deputy, and that by Warrant of these Rules: "*Nemo plus furis ad alium potest transferre quam ipse habet, & quod per me non possum, non per alium.*" And hereafter an express Instance will be presented to View, where the Lord-Marshal personally sat as a Judge in the Marshalsea Courts within the Household; but Method requires that more be first here said of the Lord-Marshal's Deputies in the Household.

There remains in the College of Arms a memorable Instrument in the Hand-Writing of W. H. f. 37. Sir William Dugdale, which must be intirely transcrib'd, "*Ces sont les Covenants entre le treshon'able Sr. le Count de Warr. d'une part & Rob. Hovel Rog. de Ruffington & John de Cleydon d'autre part, c'esta sçavoir qe le dit Monsieur le Count ad fait le dit Robert son Lieutenant l' Office de Marchalcie en l'ofiel le Roi, & le dit Rog. de Ruffington son Sergeant Marechal en le dit Office, & John de Cleydon son Clerc Marshall en le dit Office en temps de pees, & touz les autres Ministers serront assignes per les avant ditz Rob. Rog. & John & averont toutz les Petites, fees come de dim. Marc. & iiij d. & surete des persons; Savant al dit Monsieur le Count totes Maneres des autres fees al dit Office appendants, come des feantes, homages, fees devant le le Clerc du Marche, & auxy, vin, cyre, gages, chivaux, epf. de soy & liveres de Noel de Pentecoste, & les avant ditz Rob. Rog. & John rendront al dit Conte per an Cent marcs, &c. Done a Londres le Jour de touz Saints l'an xix.*" Now this Earl of Warwick (Thomas Beauchamp) was made Marshal of England, "*Quamdiu nostra placuerit Voluntati,*" the Year before these Covenants are dated.

This Agreement between the Lord-Marshal, and his Deputies is not here inserted, as tho' it was the single Proof of his Lordship's Right of deputing Officers within the Household<sup>85</sup> (because the following Records (too long to be abridg'd) contain Confirmations from the Crown of the Nomination of the Lord-Marshals to these Offices) but to shew that the Lord-Marshals reserved to themselves, notwithstanding these Substitutions, fundry Fees, as well as Wine, Candles, Wages and Liveries due at Christmas and Whitsuntide.

The Records are,

Pat. 12 E. 2. pt. 2.  
4 E. 3. pt. 2. m. 13.  
12 E. 3. pt. 1. m. 7.  
17 E. 3. pt. 1. m. 32. & 19.  
20 E. 3. pt. 2. m. 14.  
27 E. 3. pt. 2. m. 1.  
Orig. 34 E. 3. rot. 16.  
Pat. 4. R. 2. pt. 1. m. 3.  
Br. Reg. 12 R. 2. n. 67.  
Pat. 17 R. 2. pt. 1. m. 24.  
Cart. 20. R. 2. n. 3.  
Pat. 10. H. 4. pt. 2. m. 20.  
Pat. 25. H. 6. pt. 2. m. 22.

In all which there are Deputations to some Office in the Household by the Marshal of England, in Right of his said Office.

It cannot be deny'd, but the Ordinances made by the Kings of England, for Regulation and Government of their Households, must in this Case be unexceptionable Evidences. Now, those of 16. Edw. 2. have these Articles: "*Item le Chevalier qu'est de par le dit Comte Marechal, le Clerc, & le Serjeant mangeront en la Sale, &c.*" And the Conclusion is a Recapitulation of the Rights of the Lord Marshal, grounded (as is therein averred) upon former Custom, and establish'd by the Council, among whom was Monsieur Hugh le Dispenser, Chamberlain. The Words are, "*Et nostre Seigneur le Roi voet, que la place de la Marechal. de son hostell ne soit Change des autres ministres qui ne deveynt, estre de droit, cestas cavoir d'un Coroner & Son Clerc de par le Roi, & un Chevalier & un Clerc, un Seriant, un Vallet de mestr. pur garder la prison pur le Comte Marechal, &c.*" W.W. 42.a.b. "*Et pur eux qui suvent la place de la Marechal. le Conseil ad ordein que l'ancien custome, que seust usee in temps le Roy, qui mort est, & en les temps les Comtes Marechaux, qui furent, ensoient desormes pleinement usez & tenuz. Cestas cavoir, Par le Count soyent en la dite place un Chevalier, Lieutenant de dit Conte & un Clerc auxy qui Serra desouz lay, un autre prescrire ses roulles, & auxy un Serjeant, pur le dit Comte a faire les Attachemens & de herbergages, qui avera un home a pee de son luy a faire Execution des billes, & auxint pur le dit Count un Vallet Prisoner.*"

By this Settlement an Officer is allow'd to be the Lord-Marshal's Deputy within the Household, to execute the Attachments; which was so known a Right, that an Action was brought for the usurping thereof. "*Placita Aula apud Nottingham die Jovis in Crastino, &c. Anno R. R. Edii decimo. Willimus de Tambulls attachiatus fuit ad respondend Domino Regi de Contemptu, &c. Sicut Johannes Ireland Serviens Marecalli Anglia, qui pro eodem sequitur dicit, &c. Unde idem Johannes dicit quod cum omnia Attachamenta & imprisonamenta felonum seu transgressorum quorumcunque infra Virgam Domini Regis emergentia magno Marecalli Anglia tantum pertinent, &c. Prædictus tamen Willimus, &c. imprisonavit quendam, &c. usurpando sibi Officium Marecalli prædicti, &c.*" This Plea avers the Attachments within the Household belong Marecalli Anglia tantum, whereas in another Suit for the like Usurpation, "*Inter Placita Aula Domini Regis apud Sarum, &c. x. Ed. 1. 'tis as positively said, 'Quod omnia Attachamenta infra Virgam Domini Regis emergentia Marecalli hospitii sui tantum pertinent facienda.*" Whence 'tis certain as Words can make it, that the magnus Marecallus Anglia, and Marecallus hospitii Domini Regis, was the same Person, or at least was one and the same Office and Right, tho' in two Persons subordinate one to another.

Fol. 88. In Libro de Dunstable, are contain'd Placita Aula coram Senescallo & Marecalli Hospitii Regis. 25. Ed. 3. Where on a Suit brought against that Prior for three Palfrys due to the Lord Marshal, according to the Stat. (of Westm. c. 46.) It is thus express'd, "*Pro comite Marecalli Marecallia Domini Regis per Billam ad respondendum Comiti Marecalli, &c.*" So that the Lord Marshal sued before himself for a Fee due to him by Reason of his Office, (and that hath been common for one of the Judges of either Bench to sue in the same Court, others being Judges with him) or else it might be before his Lieutenant Marshal, as the Lord of a Court-Baron may sue before a Deputy-Steward.

Claus. xi. Edw. 3. pt. 1. m. 8. "*Cum Nos, &c. Officium Marecallia quod Thomas Comes Norfolcia & Marecallus Anglia tenuit Johanni Leukenor commiserimus, &c. mandamus quod eidem Johanni talia Vadia, qualia præfatus Comes, dum Officium prædictum in manu Sua extiterit, Marecalli locum suum in eodem hospitio nostro tenenti, solvere consuevit, Scilicet, &c.*"

These Precedents abundantly shew the Exercise of a Jurisdiction in the Household by the Lord Marshal's Deputies: And tho' the Great Dignity of this honourable Office did not permit him usually to sit personally in the Marshalsea-Courts within the Verge, yet the Manuscript of St. Albans furnishes one direct Proof thereof in these Words, "*Inquisitio capta de placitis Corone Aula Hospitii Domini Regis tenta apud Sanctum Albanum in Comitatu Hertford coram Willimo Comite Suffolcia Senescallo Hospitii prædicti & Johanne Duce Norfolcia Marecalli Curia Marecallia ejusdem Hospitii —. Anno Hen. Sexti decimo septimo, &c.*"

Hil. 20. H. 6. But least the Authority of the Abbey-Book may be suspected, there remains on Record Rot. 6. coram this Entry, "*Devant Sir Ralph de Butler de Sudely Senescal, del hostel le Roy, & Duke de Norfolk, Rege. Marescal d' Engleterre & Marescal de hostel.*"

It would be endless to transcribe all the Records that occur to this Purpose; it may therefore at this time suffice to quote only a late "*Petition made by Sir Thomas Vavasour, Knight-Marshal of the Household, and Thomas Warre, Esq; Steward of the Court of Marshalsea of the King's Household, to King James the 11. which will sufficiently obviate any Objection that might be drawn at first Sight from the Antiquity and Distance of Time of the Evidence here produc'd, for therein these two Officers expressly aver, 'That for Time out of Time the Right Honourable his Majesty's High-Steward, and Earl Marshal for the Time being have been chief Officers of the said Court, [of the Marshalsea of the King's Household] which Offices were, as they say, then in his Majesty, Whereby the said Court, during such Vacancy, comes under his Protection, and therefore they desire a Reference to the Commissioners for the Office of Lord High Steward, and Earl Marshal, which was done accordingly, one of them being Thomas Earl of Suffolk, then Lord Chamberlain of the Household.*"



There are Evidences of another sort of Jurisdiction of the Lord Marshal's exercised within the Household.

Thus the Lord Chamberlain of the Household will not (it is presumed) deny, that he has constantly had a Right at Investiture of Peers, which hath not been long discontinued. And thus also he has held his Courts of Honour, within the Limits of the King's Houses, which, the Lord Coke saith, is the ancient place, whose Opinion might be easily confirmed by ancient Records, but at present we only choose modern ones.

Coke's 4 Inst.  
p. 123.

Tempore Eliz. At Whitehall, f. 25. f. 1.  
Richmond, ibid. f. 2.  
Tempore Jacobi. At Whitehall, ibid. f. 12. 13. 14. b.  
16. b. 18. 20. 22. b. 25. b. 26. b. 27.  
29. 30. 32. 33. 35. b. 36. 37. 38. &c.  
Greenwich, ibid. f. 21.  
Tempore Car. I. In Camera depicta infra Palatium Westm.  
in Curia Militari, ibid. 64.

And at one of these Courts, held within Whitehall, the Commissioners for this Office determined a Case between the Lady Walsingham, and the Lady Hobbye, relating to an Affair within the Queen's Highness's Privy Chamber. 1. 15. f. 31. b.

But there is a very eminent Proof (within memory) That the Lord Marshal has Execution of his Office Above-stairs. "The Earl of Norwich, late Earl Marshal, having secured the Earl of Rochester (Wilmot) then in waiting [at Whitehall] as Gentleman of the Bedchamber, upon a Quarrel between him and the Lord Viscount Dunbar, in the BEDCHAMBER, and in the Execution of his Place: Which being notified by his Lordship to the House of Peers 21 March 1672, the Lords Spiritual and Temporal in Parliament assembled did approve of what he had done; as may be seen in the Lords Journal.

It may possibly be urged on behalf of the Lord Chamberlain, That the Proceedings to Chapel are not Solemnities of State, though the Sword is born, especially since Her Majesty doth not wear Her Crown or Robes.

This Objection shall be considered when his Lordship Pleases to give his Definition and Notion of a Solemn Ceremony, and to shew how the Procession to Chapel on St. George's Day, and the Collar Days, when the Sovereign doth not wear the Crown or Robes, become of different Natures from all other Times, whereas no other Distinction appears at first sight, save that a Knight of the Garter bears the Sword in the former Ceremonies. In the mean time, before this new Discovery is made, the Lord Marshal conceives, That where the King's State is present, that is properly a Ceremony of State to explain which Term, 'tis necessary to be known, That part of the proceeding which immediately belongs to the Royal Person, was heretofore styled the King's State, and those who go therein are always uncovered, even without Doors; whereas all others in those Processions, out of that State, go always covered. i M. 6. f. 42. a.

Thus the Nobleman carrying the Sword of State, and the Great Officers, who support it, the Principal King of Arms, Lord Mayor, the Gentlemen Ushers Daily-Waiters, and Serjeants at Arms, go always uncovered; whereas the Nobility, and other Great Officers, as the Lord Chancellor, Lord Treasurer, &c. going before the State, proceed cover'd; a Scheme thereof is drawn with a Pen, temp Eliz. as also by Ogilby, in the Procession before the Coronation of K. Charles II. where indeed, because it was from the Tower to Westminster, the Constable, Marshal (who carry'd the Sword) and the Lord Great Chamberlain were permitted Priviledged Caps of Honour, whereas 'tis evident to view, all the other Persons had Hats on. And if all the Regalia are necessary to make a State Solemnity, no other can be so except a Coronation, because the Dalmatica, Collobium, Spurs, Scepter, &c. are not carried at other times. Let the Lord Chamberlain of the Household pitch on so many hereof, as His Lordship conceives are absolutely necessary, and please to shew more of the Regalia were carried in 1588, than at the late Thanksgivings in St. Paul's; certain we are the Gladius deauratus is by a Record expressly nam'd to be one of the Regalia's. Pat. 5. Joh. m. 5.

If this Definition and Description be just, then if the Queen should at any of Her Palaces cross over a Court to enter her Chapel, the Lord Chamberlain of the Household, if allow'd to go on the side of the Sword might, while he was thus out of Doors, be cover'd, tho' so very near Her Royal Person, it being as his Lordship alledges no Ceremony of State.

And since it is matter of Right and Fact, it may be observed, without Offence, that the Patent creating of Henry L. Howard, to be Marshal of England, together with the Honour of E. Marshal, dated 29 Octob. 24 Car. 2. (under which the Office is now enjoyed) has Clauses granting the "same Und cum omnibus & singulis Dignitatibus, Præcedentiis, Præheminentiis, Jurisdictionibus, Privilegiis, Commoditatibus, Emolumentis, Advantageis, Officiis & Nominationibus Officiariorum, omnibusque aliis Privilegiis, Juribus, Potestatibus, Authoritatibus ceterisque, suis Pertinentiis quibuscunque, tam in Curia Nostris quam alibi, eidem Officio Comitum Marefcalli Angliæ, qualitercunque, sive quomodo-cunque, spectantibus, aut de Jure pertinentibus — prout Henricus Dominus Mattravers, nuper Comes Arundell — vel Johannes Mowbray, quondam Dux Norfolciæ, vel aliquis alius Comes Marefcallus Angliæ, ante hæc tempora Officium illud habens, sive Exercens, habuit sive Exercuit, sive exercere potuit, &c. Which Words being relative to Rights of Precedencies, as well as Donations of Offices and Exercise of Jurisdiction, in all Places whatever, are as effectual in Construction of Law, as if the King had particularly expressed the very Place on the side of the Sword, and also enumerated the several Offices and Jurisdctions heretofore given and enjoyed, within the Household by the former Lord Marshals of England.

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